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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

First Year of the Reign of His Majesty
KING GEORGE V.,

Being the Third Session of the Twelfth
Legislature of Ontario,

1911

BEGUN AND HOLDEN AT TORONTO ON THE TWENTY-FIFTH DAY OF JANUARY IN THE YEAR
OF OUR LORD ONE THOUSAND NINE HUNDRED AND ELEVEN.



124665
25/10/12

HIS HONOUR
JOHN MORISON GIBSON,
LIEUTENANT-GOVERNOR.

TORONTO:

PRINTED AND PUBLISHED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty,
1911.



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1 GEORGE V.

CHAPTER 1.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending on the 31st day of October, 1911, and for the public service of the financial year ending the 31st day of October, 1912.

Assented to 24th March, 1911.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour **Preamble.**

John Morison Gibson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending on the 31st day of October, 1911, and for the financial year ending on the 31st day of October, 1912, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole three million three hundred and sixty one thousand five hundred and fifty-five dollars and sixteen cents, towards defraying the several charges and expenses of the public service of this Province not otherwise provided for, from the first day of November, 1910, to the thirty-first day of October, 1911, as set forth in Schedule "A" to this Act. \$3,361,555.16
granted for
year ending
31st October,
1911.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole eight million and ninety thousand nine hundred and eleven dollars and sixty-six cents, towards de- \$8,090,911.66
granted for
fiscal year
1911-12.

fraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the first day of November, 1911, to the thirty-first day of October, 1912, as set forth in Schedule "B" to this Act.

Accounts to
be laid
before
Assembly.

3. Accounts in detail of all moneys received on account of this Province during the said financial year 1910-1911, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1911-1912 and of all expenditures under Schedule "B" of this Act, shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for
1910-1911
unexpended,
to lapse.

4. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1911, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act*, as amended by the Act passed at the last session intituled *An Act respecting the Fiscal Year*, shall on the first day of December following lapse and be written off.

Appropriations for
1911-1912
unexpended,
to lapse.

5. Any part of the money under Schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1912, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall on the first day of December following lapse and be written off.

Accounting
for expendi-
ture.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and eleven, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office	\$100 00	
Office of the Prime Minister and President of the Council	100 00	
Attorney-General's Department..	1,489 50	
Education Department	1,000 00	
Lands, Forests and Mines Department	7,136 92	
Public Works Department	5,325 00	
Treasury Department	1,800 00	
Auditor's Office	1,900 00	
Provincial Secretary's Department	13,033 00	
Department of Agriculture	4,452 17	
Miscellaneous	700 00	
		\$37,036 59

LEGISLATION.

To defray expenses of Legislation	\$43,400 00
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ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice	\$43,900 33
---	-------------

EDUCATION.

To defray expenses of:—

Public and Separate School Education	\$70,369 88
Normal and Model Schools, Toronto	1,486 33
Normal and Model Schools, Ottawa	830 11
Normal and Model Schools, London	779 36
Normal School, Hamilton	350 00
Normal School, Peterborough ...	850 00
Normal School, Stratford	510 05
Normal School, North Bay	305 66
High Schools and Collegiate Institutes	5,400 00
Departmental Library and Museum	1,188 65
Public Libraries, Art Schools, Literary and Scientific	3,235 89

Technical Education	\$39,900 00	
Provincial University	1,072 08	
Maintenance Education Department and Miscellaneous	750 00	
Institution for Deaf and Dumb, Belleville	2,220 00	
Blind Institute, Brantford	650 00	
	<hr/>	\$129,898 01

PUBLIC INSTITUTIONS, MAINTENANCE.

To defray expenses of:—

Hospital for Insane, Brockville.	\$3,917 00	
Hospital for Insane, Cobourg ..	2,110 00	
Hospital for Insane, Hamilton..	4,780 00	
Hospital for Insane, Kingston..	1,520 00	
Hospital for Insane, London ...	4,190 00	
Hospital for Insane, Mimico ...	5,820 00	
Hospital for Feeble Minded, Orillia	9,235 00	
Hospital for Insane, Penetanguishene	1,280 00	
Hospital for Insane, Toronto ...	5,030 00	
Hospital for Epileptics, Woodstock	1,620 00	
Central Prison, Toronto	450 00	
Central Prison Industries	5,150 00	
Mercer Reformatory, Toronto ..	3,350 00	
	<hr/>	\$48,452 00

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	\$67,266 29
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COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration	\$32,027 75
--	-------------

STATIONARY ENGINEERS.

To defray expenses of Stationary Engineers..	\$64 50
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	\$39,300 00
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House	\$5,278 60	
Parliament and Departmental Buildings	19,159 25	
	<hr/>	\$24,437 85

PUBLIC BUILDINGS.

Government House	\$50,000 00	
Parliament and Departmental Buildings	492,440 00	
Osgoode Hall	39,486 81	
Public Institutions:—		
Hospital for Insane, Brockville..	48,140 00	
Hospital for Insane, Cobourg ..	1,800 00	
Hospital for Insane, Hamilton..	24,500 00	
Hospital for Insane, Kingston..	16,800 00	
Hospital for Insane, London ...	38,500 00	
Hospital for Insane, Mimico ..	17,000 00	
Hospital for Feeble Minded, Orillia	41,600 00	
Hospital for Insane, Penetanguishene	8,200 00	
Hospital for Insane, Toronto ...	7,900 00	
Hospital for Epileptics, Woodstock	3,100 00	
Central Prison, Toronto	102,100 00	
Mercer Reformatory, Toronto ..	4,400 00	
Educational:—		
Normal and Model Schools, Toronto	8,155 31	
Normal and Model School, Ottawa	2,465 00	
Normal School, London	600 00	
Normal School, Hamilton	260 00	
Normal School, Peterborough...	1,860 00	
Normal School, Stratford	945 00	
Normal School, North Bay	2,410 00	
Deaf and Dumb Institute, Belleville	19,770 00	
Institution for the Blind, Brantford	5,628 69	
Ontario Agricultural College....	14,570 00	
Horticultural Experimental Station	4,347 21	
Eastern Dairy School	1,602 15	
Ontario Veterinary College	25,300 00	

Colonization and Immigration

Buildings	\$25,116 50
Children's Shelter	40 00
Districts:—	
Muskoka	865 60
Parry Sound	122 20
Sault Ste. Marie	1,400 00
Thunder Bay	2,773 83
Rainy River	1,772 00
Nipissing	4,434 78
Manitoulin	150 00
Sudbury	1,921 26
Kenora	16,870 06

Total Public Buildings \$1,039,346 40

PUBLIC WORKS.

To defray expenses of Public Works \$176,665 00

COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs \$367,214 02

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands \$100,239 39

REFUNDS.

Lands, Forests and Mines	\$10,487 95
Land Improvement Fund	1,922 31
Succession Duty	15,000 00
	<hr/>
	\$27,410 26

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure \$1,184,896 77

Total Estimates for Expenditure of 1910-
1911 \$3,361,555 16

SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and twelve, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office ...	\$4,750 00	
Office of the Prime Minister and President of the Council	7,950 00	
Attorney-General's Department	66,330 00	
Education Department	30,960 00	
Lands, Forests and Mines Department	144,800 00	
Public Works Department	71,985 00	
Treasurer's Department	35,554 00	
Auditor's Office	17,180 00	
Provincial Secretary's Depart- ment	183,425 00	
Department of Agriculture ...	75,110 00	
Factory Inspection Branch ...	23,090 00	
Stationary Engineers	6,100 00	
Miscellaneous	18,550 00	
	<hr/>	\$685,784 00

LEGISLATION.

To defray expenses of Legislation \$284,450 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Jus-
tice \$730,191 66

EDUCATION.

To defray expenses of:—

Public and Separate School Education	\$1,045,000 00	
Normal and Model Schools, Toronto	46,842 00	
Normal and Model Schools, Ottawa	45,350 00	
Normal School, London	25,765 00	
Normal School, Hamilton	21,765 00	
Normal School, Peterborough.	22,235 00	
Normal School, Stratford	21,545 00	
Normal School, North Bay..	25,520 00	
High Schools and Collegiate Institutes	159,100 00	
Departmental Library and Museum	19,378 00	
Public Libraries, Art Schools, Literary and Scientific	64,450 00	
Technical Education	96,300 00	

Superannuated

Superannuated Public and	
High School Teachers	\$62,650 00
Provincial University and Min-	
ing Schools	42,200 00
Maintenance Education De-	
partment and Miscellaneous	32,274 00
Institution for Deaf and	
Dumb, Belleville	62,584 00
Blind Institute, Brantford ...	43,900 00
	<hr/> \$1,836,858 00

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Hospital for Insane, Brockville	\$116,927 00
Hospital for Insane, Cobourg.	30,110 00
Hospital for Insane, Hamilton	175,907 00
Hospital for Insane, Kingston	120,713 00
Hospital for Insane, London.	168,190 00
Hospital for Insane, Mimico..	108,370 00
Hospital for Feeble Minded,	
Orillia	97,702 00
Hospital for Insane, Penetan-	
guishene	70,045 00
Hospital for Insane, Toronto..	160,952 00
Hospital for Epileptics, Wood-	
stock	40,356 00
Central Prison, Toronto	75,490 00
Central Prison Industries	73,620 00
Mercer Reformatory, Toronto.	34,275 00
	<hr/> \$1,272,657 00

AGRICULTURE.

To defray expenses of a grant in aid of Agri-	
culture.	\$647,701 00

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Im-	
migration	\$100,200 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hos-	
pitals and Charities	\$373,000 00

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House	\$20,000 00	
Parliament and Departmental Buildings	111,850 00	
	<hr/>	\$131,850 00

PUBLIC BUILDINGS.

Government House	\$200,000 00	
Parliament Buildings	190,000 00	
Osgoode Hall	16,500 00	
Public Institutions	128,600 00	
Educational	9,300 00	
Agriculture	55,800 00	
Districts	38,000 00	
	<hr/>	\$638,200 00

PUBLIC WORKS.

To defray expenses of Public Works	\$70,200 00
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COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Re- pairs	\$133,000 00
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CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	\$610,550 00
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REFUNDS.

Education	\$1,000 00	
Lands, Forests and Mines ...	17,000 00	
Miscellaneous	12,000 00	
Succession Duty	36,000 00	
	<hr/>	\$66,000 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	\$510,270 00
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Total Estimates for Expenditure of 1911- 1912	\$8,090,911 66
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CHAPTER 2.

An Act to amend The Voters' Lists Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII.,
c. 4, s. 15,
amended.

1. Section 15 of *The Ontario Voters' Lists Act* is amended by inserting therein the following subsection:

Complaint
that person
named on
list has
lost quali-
fication.

(2a) A person whose name is entered on any part of the list and has before the time for giving notice of appeal to the judge has expired ceased to possess the qualification in respect of which his name was so entered, on complaint being duly made under section 17, shall be deemed to be wrongfully entered on the list and, subject to the provisions of section 19, his name shall be removed therefrom.

7 Edw. VII.,
c. 4, s. 17,
subs. 1,
amended.

2. Subsection 1 of section 17 of the said Act is amended by striking out the words "of any error or omission in the list" in the 1st and 2nd lines and inserting in lieu thereof the words "in respect of the list."

7 Edw. VII.,
c. 4, s. 17,
amended.

3. Section 17 of *The Ontario Voters' Lists Act* is amended by adding thereto the following subsection:—

Distribu-
tion of list
of appeals.

(5) The clerk shall forthwith, after posting up the list of appeals in his office, deliver or transmit by post, by registered letter, or by parcel post registered, one copy of the list to each of the persons described in subsection 2 of section 9.

7 Edw. VII.
c. 4, s. 14,
subs. 5,
amended

4. Subsection 5 of section 14 of the said Act as enacted by subsection 2 of section 3 of *The Statute Law Amendment Act, 1908*, is amended by striking out the word "may" in the second line thereof and inserting in lieu thereof the word "shall."

5. Sections 21 and 22 of *The Ontario Voters' Lists Act* ^{7 Edw. VII., c. 4, ss. 21, 22,} are repealed and the following substituted therefor: ^{repealed.}

21.—(1) If no complaint is made within thirty days after the Clerk has posted up the list in his office, he shall forthwith apply either in person or by letter to the Judge to certify (Form 14) a sufficient number of copies of the list as being the last revised list of voters for the municipality to furnish one copy of such list to each of the following persons, ^{Who to receive copies.} namely:

- (a) The Judge;
- (b) The Clerk of the Peace;
- (c) The Clerk of the Municipality;
- (d) The Member of the House of Commons for the electoral district in which the municipality or any part thereof lies;
- (e) The Member of the Assembly for the electoral district in which the municipality or any part thereof lies; and
- (f) Every candidate for whom votes were given at the then last election of a member for the House of Commons and the Assembly respectively for the electoral district in which the municipality or any part thereof lies.

(2) The judge shall certify each of such copies and shall retain one and shall deliver or transmit by registered post, one copy to each of the persons mentioned in clauses (b), (c), (d), (e) and (f) of subsection 1. ^{Certificate of Judge.}

22.—(1) If any complaint is made and allowed by the Judge, he shall immediately after the list has been finally revised, furnish to the Clerk a statement of the changes made by him in the list. ^{When changes made by Judge.}

(2) The Clerk shall thereupon prepare a sufficient number of copies of the list as revised by the Judge to furnish one copy for each of the persons mentioned in clauses (b), (c), (d), (e) and (f) of subsection 1 of section 21, and shall within one week after the revision has been made transmit or deliver such copies to the Judge. ^{Copies of revised list to be delivered to certain persons.}

(3) The Judge shall thereupon sign and certify (Form 15) such copies and deal therewith in the manner provided by subsection 2 of section 21. ^{Certificate of Judge on copies.}

CHAPTER 3.

An Act to amend The Legislative Assembly Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

§ Edw. VII.,
C. 5, SS. 68-
72, 74
repealed

1. The sections 68 to 72 inclusive and section 74 of *The Legislative Assembly Act* are hereby repealed and the following sections respectively substituted therefor:

INDEMNITY TO MEMBERS.

Allowance
to members
for attend-
ance at any
Session.

68. In every Session of the Assembly there shall be allowed to each member attending the Session \$20 for each day's attendance, if the Session does not extend beyond thirty days, and if the Session extends beyond thirty days then there shall be payable to each member attending such Session a sessional allowance of \$1,400.

Deductions
for non-
attendance.

69.—(1) A deduction at the rate of \$15 per day shall be made from his sessional allowance for every day on which a member does not attend sittings of the Assembly, or of some Committee thereof in case the Assembly sits on such days, but each day during the Session, after the first on which the member attends on which there has been no sittings of the Assembly, in consequence of its having adjourned over the day or on which the member is travelling *bona fide* on his way to the place where the Session is held, for the purpose of attending a sittings of the Assembly or on which the member was in the place where the Session was held, or within ten miles thereof, but was prevented by sickness from attending the sittings shall be reckoned as a day of attendance at the Session.

When
deduction
not to be
made for
absence.

(2) No deduction shall be made for or on account of the necessary absence of a member, so long as such absence does not exceed six days during the Session.

70. The compensation may be paid from time to time as the member becomes entitled to it, to the extent of \$20 for each day's attendance, and the remainder shall be retained by the Clerk until the close of the Session, when the final payment shall be made.

How the Compensation shall be payable.

71. If a person is from any cause a member of the Assembly for a part only of a Session, then in case he is a member for upwards of thirty days during the Session, he shall be entitled to the sessional allowance, subject to the deduction for non-attendance as a member and also to a deduction of \$20 for each day of the Session before he was elected or after he ceased to be a member; but if he is a member for thirty days or less, he shall be entitled only to \$20 for each day's attendance at the Session whatever be the length thereof.

Where a person is a member for only part of the Session.

74. The sum due to every member at the close of a Session shall be paid to him on his taking and signing before the Clerk or Accountant or a Justice of the Peace an oath to be kept by the Clerk, stating the number of days attendance and the mileage according to the shortest mail route as determined and certified by the Speaker, and the amount of the allowance after deducting the number of days (if any) which are to be deducted under any preceding section, and the oath may be according to Form 3.

Final payment at the close of Session.
Oath to be taken by members.

2. Section 68 of *The Legislative Assembly Act*, as enacted by section 1, shall be deemed to have been in force as from the 1st day of January, 1911, and all other sections of the said Act enacted by the said section 1 shall come into force and take effect on from and after the 1st day of July, 1911.

Commencement of Act.

3. The following Form is substituted for Form 3, referred to in Section 74 of the said Act:

S Edw. VII. c. 5, form 3 repealed.

FORM 3.

(Referred to in Section 74.)

OATH TO OBTAIN SESSIONAL ALLOWANCE.

I, A. B., a member of the Legislative Assembly, make oath and say that I reside at _____ in _____ which is distant by the shortest mail route _____ miles as determined by the Speaker from Toronto, where the Session which began on the _____ day of _____ 19 _____ was held. That the first day during the said Session on which I was present was the _____ day of _____ 19 _____. That on the said day and on each day of the said Session, after the said day on which there was a sittings of the Assembly, I attended such sittings or a sittings of some Committee thereof, (a) except only on _____ days, (b) on _____ of which I was travelling *bona fide* on

my

my way to the place where the Session is held for the purpose of attending a sittings of the Assembly, and (c) on which I was prevented by sickness from attending, though I was then present at the said City of Toronto, or within ten miles thereof.

(d) Sworn before me at the day of 19 (Signature) A. B.

L. K. C.,
Clerk (or Accountant) of the Legislative Assembly,
or Justice of the Peace for the of
(as the case may be).

NOTE.

If the member attended a sittings of the Assembly or of some Committee, on every sitting day after the first on which he so attended, omit the words from (a) to (d), and if his non-attendance was not on any day occasioned by travelling as therein set out or by sickness, omit the words from (b) to (d).

If the person making the oath became or ceased to be a member after the commencement of the Session, vary the form so as to state correctly the facts upon which the sum due to the member is to be calculated.

CHAPTER 4.

An Act for raising Money on the Credit of the Consolidated Revenue Fund of Ontario.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding five million five hundred thousand dollars (\$5,500,000) for any or all of the purposes following, that is to say: For the public service; for works carried on by Commissioners on behalf of the Province; for the covering of any debt of the Province on open account; for paying any floating indebtedness of the Province, and for the carrying on of the public works authorized by the Legislature. Loan of \$5,500,000 authorized.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at a rate not exceeding four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario and shall be chargeable thereupon. Terms of loan.

3. All bonds and inscribed stock issued under the authority of this Act shall be free from all Provincial taxes, succession duty, charges and impositions whatsoever. Securities to be free from Provincial taxes.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum on the amount of such debentures or stock, as specified in subsection 2 of section 4 of *The Provincial Loans Act*. Sinking fund. 8 Edw. VII. c. 12.

CHAPTER 5.

An Act to amend The Supplementary Revenue Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

8 Edw. VII., c. 14, s. 4, subs 6 and 11, repealed. **1.** *The Supplementary Revenue Act* is amended by repealing subsection 6 (except clauses *a* and *b*) and subsection 11 of section 4 and respectively substituting the following therefor:—

Tax on rail-ways.

(6) Every company owning, operating or using a railway shall pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$40 per mile for each additional track, owned, operated or used in any organized municipality; and of \$40 per mile for one track, and, where the line consists of two or more tracks, of \$20 per mile for each additional track, in territory without municipal organization; provided that a company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system does not exceed 150 miles in length from terminus to terminus, shall in lieu of the said tax pay a tax of \$15 per mile for one track, and, where the line consists of two or more tracks, of \$5 per mile for each additional track, and where the railway or system does not exceed thirty miles in length from terminus to terminus a tax of \$10 per mile for one track and \$5 per mile for each additional track.

Express companies.

(11) Every express company operating over a railway in Ontario shall pay a tax of \$500 for each 100 miles or fraction thereof.

8 Edw. VII., c. 14, amended.

2.—(1) The said Act is further amended by inserting the following additional sections immediately after section 11:—

Stamp tax on transfer of securities of corporation.

11a. There shall be levied a tax of two cents, payable by the transferor in money or stamps, for every \$100 or fraction thereof of the par value upon

every

every change of ownership consequent upon the sale, transfer or assignment of shares, or debenture stock issued by any corporation or company made or carried into effect in this Province; but the first delivery by the corporation or company of such shares, or debenture stock, in order to effect an issue, shall not be subject to the tax imposed by this section.

- 11b. Any corporation or company entering or permitting the entry in any book or register under its control of any such sale, transfer, or assignment unless the tax be paid when such entry is made, shall be liable to a penalty not exceeding \$50 nor less than \$20.

Transfer not to be made in books until tax paid.

In default of payment of the tax, the transferor shall be liable to a penalty not exceeding \$50, nor less than \$20.

Penalty for non-payment by transferor.

The penalties prescribed in this section shall be recoverable at the suit of the Attorney-General.

Recovery of penalties.

- 11c. Any sale, transfer, or assignment made through a broker resident in the Province not a member of a recognized stock exchange shall be deemed to be made and carried into effect in the Province.

Sales through brokers not members of stock exchange.

- 11d. The preceding three sections shall not apply to any transfer or assignment of shares, or debenture stock made *bona fide* for the security of loans, or to the re-transfer or re-assignment of same to the borrower or any transmission owing to death.

Tax not to apply to transfers as security or transmission on death.

- 11e. The Lieutenant-Governor in Council may remit or reduce any tax imposed by section 11a hereof which, because of the transfer being otherwise subject to taxation in another jurisdiction, or because several formal transfers are necessary to effect one true change of ownership, or which from any other similar cause appears to be unjust or oppressive.

Remission or reduction.

- 11f. The Lieutenant-Governor in Council may make, amend, alter, revoke, repeal or re-enact all regulations which may be deemed necessary for carrying into effect sections 11a, 11b, 11c and 11d.

Regulations.

Commence-
ment of sec-
tion.

(2) This section save as to section 11f enacted hereby shall not come into effect until the first day of June, 1911.

§ Edw. VII.,
c. 14, s. 17,
subs. 4, re-
pealed.

3. The said Act is further amended by repealing subsection 4 of section 17 and substituting the following subsection:—

Liability of
municipali-
ties to con-
tribute to
maintenance
of lunatics.

(4) All questions as to the liability of a municipality to such charge shall be determined by an officer designated for that purpose by the Provincial Secretary, whose decision may at any time and from time to time be varied or cancelled by himself or by any other officer designated by the Provincial Secretary, and the certificate of the Provincial Secretary declaring the amount of such charge shall be accepted and acted upon by the Provincial Auditor without further evidence as determining the amount to be deducted under subsection 3 of this section.

§ Edw. VII.,
c. 14, s. 4,
amended.

4. The said Act is further amended by adding the following subsections to section 4:—

Tax upon
race track
meetings.

(13) In this subsection the word “race-meeting” shall mean a series of trotting, pacing, running, or mixed trotting, pacing or running races for horses, held for not less than five or more than seven days within any period of fourteen consecutive days, or if held for less than five days where the number of running races exceeds one in each day.

Every incorporated company, association or club, owning or operating or using a race track and holding race-meetings, shall pay in advance before each such race-meeting a license fee of \$200 for each day of such meeting, and in default of such payment the Provincial police may, under instructions from the Provincial Treasurer, stop all racing upon such track until the said tax is paid.

Trotting and
pacing meet-
ings.

(14) The word “race-meeting” in this subsection shall mean a series of trotting and pacing or mixed trotting, pacing and running races for horses which continue for not more than four days in a period of not more than ten consecutive days, and where the number of running races shall not exceed one in each day.

Every incorporated company, association or club, owning, operating or using a driving, running or trotting track, and holding race-meetings, shall pay in advance before each such meeting a license fee of \$10 for each day on which such meeting continues, and in default of such payment the Provincial Police may, under instructions from the Provincial Treasurer, stop all racing on said tracks until such tax is paid.

(15) On receiving the license fee referred to in sub-^{Licenses.}sections 13 and 14 of section 4 hereof, the Provincial Treasurer may issue a license imposing such restrictions and subject to such conditions as the Lieutenant-Governor in Council may by regulation determine, and every such incorporated company, association or club which violates such restrictions and conditions, or any of them, shall be liable to have all racing forthwith stopped upon its track by the Provincial police acting under instructions from the Provincial Treasurer.

CHAPTER 6.

An Act for the Protection of the Public Interests in
the Bed of Navigable Waters.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title. **1.** This Act may be cited as "*The Bed of Navigable Waters Act.*"

Grant to
be pre-
sumed to
be to
water's
edge.

2. Where land bordering on a navigable body of water or stream has been heretofore, or shall hereafter, be granted by the Crown, it shall be presumed, in the absence of an express grant of it, that the bed of such body of water or stream was not intended to pass to the grantee of the land, and the grant shall be construed accordingly and not in accordance with the rules of the English Common Law.

Saving as
to certain
cases.

3. Section 2 shall not affect the rights, if any, of a grantee from the Crown or of any person claiming under him, where such rights have heretofore been determined by a court of competent jurisdiction in accordance with the rules of the English Common Law, or of a grantee from the Crown, or any person claiming under him who establishes to the satisfaction of the Lieutenant-Governor that he or any person under whom he claims has previous to the passing of this Act developed a water power or powers under the *bona fide* belief that he had the legal right to do so, provided that he may be required by the Lieutenant-Governor in Council to develop the said power or powers to the fullest possible extent, and provided that the price charged for power derived from such water power or powers may from time to time be fixed by the Lieutenant-Governor in Council. And the Lieutenant-Governor in Council may direct that letters patent granting such right be issued to such grantee or person claiming under him, under and subject to such conditions and provisions as may be deemed proper for insuring the full development of such water power or powers, and the regulation of the price to be charged for power derived from them.

4. This Act shall not apply to the bed of the river where ^{Act not to} it runs through Lot 8 in the 6th Concession of the Township ^{apply to a} of Merritt, in the District of Sudbury. ^{certain}
^{locality.}

5. Notwithstanding anything herein contained the case of ^{Lieutenant-} any person setting up on special grounds a claim to receive ^{Governor} from the Crown a grant or lease of any part of the bed of a ^{may deal} navigable body of water or stream shall be dealt with by the ^{with special} Lieutenant-Governor in Council as he may deem fair and ^{cases.} just.

6. This Act shall not come into force until a day to be ^{Proclama-} named by the Lieutenant-Governor by his proclamation. ^{tion of Act.}

CHAPTER 7.

An Act respecting The Ontario and Minnesota Power Company.

Assented to 24th March, 1911.

Preamble

WHEREAS The Ontario and Minnesota Power Company, Limited, did on the 2nd day of June, 1910, enter into an agreement with His Majesty the King, represented therein by the Honourable the Minister of Lands, Forests and Mines, in the said agreement referred to as "the Government," which agreement is set forth in the Schedule to this Act,

And whereas in the said agreement it was provided that the said Ontario and Minnesota Power Company, Limited, irrevocably and without power of revocation, requested the Government to obtain at the next ensuing Session of the Legislature an Act to ratify and confirm the said agreement and making the terms thereof binding upon the parties thereto, and providing also for the issuing of a perpetual injunction order in the event of a breach of the Order in Council referred to in said agreement, or of any of the terms of the said agreement,

And whereas it is expedient that an Act be passed for such purpose,

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
between the
Ontario
and Min-
nesota
Power Co.,
Limited,
and the
Crown
confirmed.

1. The agreement set out in the Schedule hereto is ratified and confirmed and declared legal and valid for all purposes from the date thereof, and the parties thereto are authorized and empowered to do any and all acts necessary to carry out and give full effect to the said agreement in all respects, and in the event of a breach of the Order in Council referred to in the said agreement, or of any of the terms of the said agreement, it shall be lawful for the

High

High Court of Justice or a Judge thereof immediately to issue a perpetual injunction restraining the said The Ontario and Minnesota Power Company, Limited, from a further or continuing breach of the said agreement or of the said Order in Council or of either of them.

SCHEDULE.

This Indenture made in duplicate this second day of June, 1910,

BETWEEN

His Majesty the King, represented herein by The Honourable the Minister of Lands, Forests and Mines for the Province of Ontario (hereinafter called the Government), of the first part;

—and—

The Ontario and Minnesota Power Company, Limited (hereinafter called the Company), of the second part.

Whereas, by an Act of the Ontario Legislature passed in the sixth year of His late Majesty's reign and chaptered 132, it was amongst other things enacted that the Lieutenant-Governor in Council might, upon an application made to him and on its appearing that there was not a reasonable prospect of the utilization within a reasonable time of power or electrical energy unemployed, though actually available for use on the Canadian side of the Rainy River at or near Fort Frances, make an Order permitting the diversion of the whole or part of such power or electrical energy on such terms and conditions, including the time during which such diversion might continue as to the Lieutenant-Governor in Council might seem proper or expedient;

And whereas the dam, power house, generators, transmitters, machinery, appliances and connections necessary for the delivery by the Company of power or electrical energy for use on the Canadian side of the international boundary line and elsewhere have been erected and installed on the Canadian side thereof, as required by section 2 of the said Act and by the agreement referred to in said Act dated the 9th day of January, 1905, between His Majesty, of the first part, and Edward Wellington Backus of the City of Minneapolis, lumberman, and those associated with him, of the second part;

And whereas an application has been made by the Company to the Lieutenant-Governor in Council for an Order in Council, which the Company desire to be passed after the execution of this agreement (a copy of which proposed Order in Council is attached hereto and marked "A"), temporarily permitting the diversion of such power to the United States in the quantities and upon the terms and conditions therein set forth;

And whereas it is of the utmost importance to the Government and the people of the Province that no power or electrical energy should be permitted to be diverted to the United States, except as provided in the said Order in Council, and that the said diversion should at once cease upon the request of the Government; and as there is no adequate means of ascertaining the precise damage which may result from a greater diversion of such power or elec-

trical

trical energy otherwise than is so provided, or which may result from the Company continuing to divert when requested to cease, and the parties hereto have agreed to fix now the amount to be payable as damages without proof of any damage;

And whereas industries may be established on the Canadian side desirous of utilizing the power so intended to be diverted and such power should be fully available for them whenever required or desired, at a reasonable price;

And whereas the said Order in Council permitting the said Company to divert power to the United States is to be passed, because there appears to be now on hand and available for use a quantity of electrical horse-power or energy in excess of what is required for use at present on the Canadian side, and it is explicitly understood between the parties hereto that the said Order is to be for a temporary purpose only, and the right to divert may be revoked at any time;

This indenture witnesseth and it is hereby agreed by and between the Company and the Government as follows:

In the event of the Company disregarding or not complying with that part of the said Order in Council which forbids the diversion of power or electrical energy either wholly or in a larger or greater quantity than is from time to time specifically permitted, they shall pay forthwith to the Government as liquidated damages, and not as a penalty, the sum of \$50,000 (fifty thousand dollars); and shall also pay the sum of \$100 (one hundred dollars) per diem for every day on which such breach of the said Order in Council continues, and such sums shall be recoverable by the Government from the Company as ascertained and liquidated damages and not by way of penalty, and it shall not be required in any action or upon any claim or demand hereunder to give evidence or proof of any actual damage.

It is further agreed by the parties hereto that the Company shall in the event of a breach of the said Order or of any of the terms of this agreement, consent to an Order from a Court or Judge of the High Court of Justice for an immediate perpetual injunction restraining them from a further or continuing breach of this agreement and the said Order in Council or either of them; the remedy by way of an injunction shall be in addition to the right of the Government to collect and receive the said sum of \$50,000 (fifty thousand dollars) and \$100 (one hundred dollars) per diem.

And it is further agreed that in addition to all other remedies the said Government may, upon a breach of the said Order in Council, or of any of the terms and conditions thereof, or of any of the terms of this agreement, on five days' written notice to the Company, or to its agent or employee in charge or in apparent charge of its plant at Fort Frances, Ontario, authorize the sheriff, or such other officer as it may appoint, to enter upon the premises of the said Company and to take such measures and do such acts and use such force as shall be necessary to prevent all diversion of electric current to the United States, or to any part thereof.

And it is further agreed that the said Company does hereby irrevocably and without power of revocation request the Government to obtain at the next ensuing Session of the Legislative Assembly for Ontario legislation to ratify and confirm this agreement, and make the terms thereof binding upon all the parties hereto, and providing also for the issuing of a perpetual injunction order as hereinbefore set forth.

And

And it is further agreed by and between the parties hereto that no works, or building, or plant which have been or which may hereafter be erected or installed by the Company on the American side shall be deemed, or by the Company be claimed to have been so erected or installed in consequence of anything in this agreement or in the said Order in Council.

It is further agreed that the price for power or electrical energy supplied or to be supplied to applicants for or users of power, or to prospective applicants or users by the Company on the Canadian side and the time within which, and the conditions on which the same shall be furnished for use and the methods of distribution thereof shall from time to time be fixed by the Hydro-Electric Power Commission of Ontario upon the application of any such user, applicant, prospective user or applicant, of the Town of Fort Frances, of the Township of McIrvine, or on the application of any municipality, person, firm or corporation interested; and the price, time, terms, conditions and methods may be so fixed by the said Commission at any time either before or after a request or demand for power or electrical energy has been made upon the Company by any person, firm, corporation or municipality.

And it is further agreed that the power or electrical energy to be exported by the Company shall be measured by instruments installed or to be installed by the Company and such instruments shall be from time to time subject to the approval of the Government and subject to the inspection of the representative of the Government from time to time and at all times and the said representative may at all reasonable times test such instruments for the purpose of determining their accuracy, and in the event of the said instruments at any time proving inaccurate the Company shall at its own expense have the said instruments put into proper working condition, or shall replace the said inaccurate instruments with new approved ones in proper working order.

And it is further agreed that the maximum amount of electrical power or energy to be temporarily diverted to the United States shall not at any time exceed the horse-power indicated in the said Order in Council or in the notice or notices from the Minister of Lands, Forests and Mines referred to in such Order, as determined by a curve drawing polyphase watt meter.

Provided that a temporary diversion of power in excess of the horse-power indicated in the said Order in Council or in the notice or notices in this clause referred to, for a time not exceeding fifteen minutes continuously and not occurring more than twice in any one period of twelve hours, shall not be deemed a breach of this clause.

And it is further agreed that the temporary diversion to the United States for twenty-four hours or less of power or electrical energy in excess of the amount authorized by the said Order in Council, due to accident or the negligence of the Company's servants, shall not be deemed a breach of this agreement, and the burden of proof of such diversion being due to such accident or negligence shall be upon the Company.

And the said Company doth hereby covenant and agree with the Government that it will furnish a sufficient surety or sureties to the satisfaction of the Government before the Order in Council referred to herein is signed.

And it is further agreed that the term "Company" and the term "Government" herein shall extend to and include their and each of their respective successors and assigns.

In witness whereof these presents have been duly executed under seal.

F. COCHRANE, (Seal.)
Minister of Lands, Forests and Mines
for the Province of Ontario.

Signed, sealed and delivered in the presence of

GLYN OSLER,
 As to Execution by the Ontario and
 Minnesota Power Company, Limited.

EDWARD BAYLY,
 As to Execution by the Minister of
 Lands, Forests and Mines.

THE ONTARIO AND MINNESOTA
 POWER COMPANY, LIMITED.

By E. W. BACKUS, (Seal.)
President.

Copy of an Order-in-Council approved by His Honour the Lieutenant-Governor, the 2nd day of June, A.D. 1910.

Upon the recommendation of the Honourable the Minister of Lands, Forests and Mines, the Committee of Council advise that pursuant to the application of the Ontario & Minnesota Power Company, Limited, made under Section 4 of the Act passed in the 6th year of the reign of His late Majesty and Chaptered 132, the said company having entered into an agreement with His Majesty dated the 2nd day of June, 1910, a copy of which is submitted herewith, the said company be permitted to divert temporarily to the United States so much power or electrical energy not exceeding in all six thousand horse power (as determined by a curve drawing polyphase watt meter) as shall leave at least one thousand horse power constantly available and unemployed for use or in use on the Canadian side, said diversion of electrical energy to be permitted and to continue only until the expiration of thirty days after the said company has received notice in writing from the Minister of Lands, Forests and Mines to discontinue such diversion, or the said company has received a notice or notices in writing from time to time from the said Minister to discontinue diverting such quantity as shall be specified in such notice or notices.

Certified.

J. LONSDALE CAPREOL,

Clerk, Executive Council.

CHAPTER 8.

An Act respecting the Survey of Part of the
Township of Gibson.*Assented to 24th March, 1911.*

WHEREAS the Township of Gibson, in the District of Muskoka was originally surveyed under *The Surveys Act*; Preamble.

And whereas by Order in Council, dated the 24th day of June, 1881, the eastern part of said Township, containing an area of 25,582 acres was set apart for the purpose of settling thereon a number of families of the Oka Indians then residing in the Province of Quebec, and the Superintendent General of Indian Affairs paid therefor at the price of 50 cents per acre, and the said part of the said Township was transferred to the Government of Canada as a Reserve for the use of the said Indians;

And whereas the Indians aforesaid have been removed to the said Reserve, and are now occupying and improving the various lands allotted to them, and amongst others the lots numbering from 6 to 16 inclusive, in the 3rd and 4th concessions of the said Township;

And whereas it has been found that the clearings and improvements of the several Indians occupying the said lots have been so made as to overlap the lot lines as fixed by the said original survey and thereby great inconvenience is likely to arise to the several occupants;

And whereas a re-survey of the said lots, in the said concessions has, under the direction of the Superintendent General of Indian affairs been made by Ontario Land Surveyor, William Galbraith, according to a plan dated January 4th, 1911, the lot lines whereof secure a subdivision satisfactory to all parties concerned, and the Indians living on the lots affected have all signed agreements accepting the said re-survey as correctly defining their holdings;

And

And whereas the Superintendent General of Indian Affairs has requested that an Act of the Legislature be passed cancelling the said original survey so far as the said lots and concessions are concerned, and legalizing the said re-survey, and it is expedient to comply with the said request;

Therefore His Majesty, by and with the advice and consent of the Legislature of the Province of Ontario, enacts as follows:—

Survey of
Gibson can-
celled and re-
survey con-
firmed.

1. The original survey of the lots numbering from 6 to 16 inclusive, in the 3rd and 4th concessions of the Township of Gibson, in the District of Muskoka, is hereby cancelled, and the re-survey thereof made by Ontario Land Surveyor William Galbraith as shown on a plan, dated 4th January, 1911, is hereby legalized and confirmed, and is declared to be the only true and lawful survey of the said part of the said Township of Gibson.

Determining
rear angles
of lots in
concessions
3 and 4.

The rear angles of lots 6 to 10 inclusive, in the third and fourth concessions, shall be determined by measuring along the blind line between the 3rd and 4th concessions an equal width for each lot, and a straight line drawn from the front angle to the rear angle shall be the true division line between the lots.

Course for
division or
side lines.

The division or side line between lots 11 and 12, 12 and 13, 13 and 14, 14 and 15, in the third and fourth concessions respectively, shall be drawn on the same course as a straight line joining the southeast and northeast angles of lot eleven in each concession respectively.

CHAPTER 9.

An Act respecting Purchases of Timber Licenses in Algonquin Park.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Algonquin Park Loan and Purchase Act*. Short title.

2. The Lieutenant-Governor in Council is hereby authorized to raise, by way of loan, a sum of money not exceeding Loan of \$500,000 authorized. Five Hundred Thousand Dollars (\$500,000) for the purpose of purchasing the rights of licensees of timber limits in Algonquin Park, and for other purposes necessarily incidental thereto.

3. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at a rate not exceeding four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon. Term and rate of loan.

4. All bonds and inscribed stock issued under the authority of this Act shall be free from all Provincial taxes, succession duty charges and impositions whatsoever. Bonds and stock for loan to be free of Provincial taxes.

5. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of the one per centum per annum on the amount of such debentures or stock, as specified in subsection 2 of section 4 of *The Provincial Loans Act*. Sinking fund. 8 Edw. VII., c. 12.

6. The Order in Council, passed the 9th day of November, 1910, authorizing the purchase from the Munn Lumber Company of all its rights, timber licenses, and property inside and outside Algonquin Park and all acts done by the Order in Council confirmed.

Minister

Minister of Lands, Forests and Mines, pursuant to the said order, are ratified and confirmed, and the money expended upon such purchase shall be charged against the proceeds of the loan referred to in section 2 hereof.

Applica-
tion of
proceeds of
debentures
in purchas-
ing rights
of timber
licensees

7. The Lieutenant-Governor in Council is hereby authorized and empowered to expend the proceeds or any part thereof of the loan referred to in section 2 hereof in purchasing the rights of licensees of timber limits in Algonquin Park and do all such other acts as are necessarily incidental to such purchase or purchases; all such purchases shall be either previously authorized by Resolution of the Legislative Assembly or, when completed, shall be laid before the Legislative Assembly and confirmed by Resolution thereof.

CHAPTER 10.

An Act to regulate the Use of Electricity in Mines

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Mining Act of Ontario* is amended by adding to section 164 in Part IX. thereof the following Rules:— 8 Edw. VII., c. 21, s. 164, amended.

Use of Electricity.

44a. The expression “pressure” in this and the following rules down to and including rule 44g., means the difference of electrical potential between any two electrical conductors. “Pressure.”

Where the conditions of the system are such that the pressure between any two conductors, or between any conductor and the earth, at the terminals where the electrical energy is being used does not normally exceed 250 volts, this shall be deemed a low pressure system. Low pressure system.

Where the conditions of the system are such that the pressure between any two conductors, or between any conductor and the earth at the terminals where the electrical energy is being used, normally exceeds 250 volts, but does not normally exceed 600 volts, this shall be deemed a medium pressure system. Medium pressure system.

Where the conditions of the system are such that the pressure between any two conductors, or between any conductor and the earth at the terminals where the electrical energy is being used normally exceeds 600 volts, this shall be deemed a high pressure system. High pressure system.

44b. All electrical apparatus and conductors shall be sufficient in size and power for the work they may be called upon to do, and, so far as is reasonably practicable, efficiently covered. Requirements as to electrical apparatus and conductors.

ered

ered or safeguarded and so installed, worked and maintained as to reduce the danger to person or property through accidental shock or fire to the minimum, and shall be of such construction, and so worked, that the rise in temperature, caused by ordinary working, will not injure the insulating materials.

Wires and
conductors to
be enclosed
and
grounded.

44c. Where a medium-pressure supply is used for power purposes or for arc lamps in series, the wires or conductors forming the connections to the motors, transformers, arc lamps or otherwise in connection with the supply, shall be, as far as is reasonably practicable, completely enclosed in strong armoring or metal casing efficiently grounded to earth, or they shall be fixed at such a distance apart, or in such a manner that danger from fire or shock may be reduced to a minimum. This rule shall not apply to trailing cables.

When only
medium
pressure may
be used.

44d. No higher pressure than a medium pressure supply shall be used other than for transmission or for motors, and the wires or conductors to the motors or transformers or otherwise in connection with the supply shall be completely enclosed in a strong armoring or metal casing efficiently connected with earth, or they shall be fixed at such a distance apart or in such a manner that danger to person or property from fire or shock shall be reduced to a minimum.

Marking high
pressure
appliances.

44e. The machines, apparatus and lines shall be so marked as to clearly indicate that they are high pressure.

Higher than
medium pres-
sure, when
prohibited.

44f. A higher pressure than a medium pressure shall not be used for portable motors nor for any other purpose underground.

Insulating
material.

44g. Main and distribution switch and fuse boards must be made of incombustible insulating material, such as marble or slate, free from metallic veins, and be fixed in as dry a situation as practicable.

Fire buckets
of sand to
be kept.

44h. A sufficient number of fire buckets filled with clean, dry sand shall be kept in electrical machine rooms ready for immediate use in extinguishing fires.

Repairs, etc.
when current
is on.

44i. No repair or cleaning of the live parts of any electrical apparatus or work in dangerous proximity thereto, except mere wiping or oiling, shall be done when the current is on.

India rubber
gloves, mats
or shoes to
be used.

44j. Gloves, mats or shoes of India rubber or other insulating material, shall be supplied and used where the live parts of switches, machines or other apparatus working at a pressure exceeding the limits of low pressure have to be handled for the purpose of adjustment.

44*k*. A competent person shall be in charge of the electrical apparatus or machinery when it is in use at the mine, and at such time as the amount of electrical energy delivered down the mine exceeds 150 kilowatts; a competent person shall also be in charge below ground. Every person operating or having charge of any electric apparatus shall have been instructed in his duty and be competent for the work that he is set to do.

Competent person to be in charge.

44*l*. No person shall wilfully damage, interfere with or without proper authority remove or render useless any electric line, or any machine, apparatus or part thereof used in connection with the supply or use of electricity.

Damaging or interfering with machinery, etc.

44*m*. Overhead bare wires on the surface must be efficiently supported upon insulators and be clear of any traffic, and be provided with efficient lightning arresters.

Insulators for overhead bare wires.

44*n*. All cables used in shafts for the transmission of electrical energy must be highly insulated and substantially fixed. Shaft cables not capable of sustaining their own weight shall be properly supported at intervals according to the weight of the cable.

Cables used in shafts.

44*o*. In underground roads the trolley wires shall be placed as close to the side as practicable, and in a straight line, and securely supported at frequent intervals. In all roads where it is necessary for men to travel on foot, all wires, except signal wires, must be placed on the same side of the roadway and efficiently protected. Signal wires should, where practicable, be placed on the opposite side of the roadway from other wires.

Trolley wires in underground roads.
Protection of wires.

44*p*. At all landings, turn-outs, partings or crossings, or other places where it is necessary for men to pass near the wires, a suitable protection shall be placed around the wires, or the pressure must be cut off when such places are used for travelling on foot. Sufficient illumination to make the wires plainly visible shall be provided at all points where men are liable to come in contact with power wires.

Protection of wires.
Illumination.

44*q*. Every branch trolley shall be fitted with an automatic trolley switch or section insulator and line switch, or some other device that will allow the pressure to be cut off from such trolley when not actually in use. Danger signals, consisting of no fewer than two red lights in parallel, and as many series as may be necessary, shall be connected at suitable intervals to all branch trolley circuits to indicate when the current is on. A notice shall be posted at the entrance to all roadways carrying exposed power wires, warning per-

Automatic trolley switch or section insulator.
Danger signals.

sons against the dangers of carelessly carrying metal tools such as drills, picks, etc., which may come in contact with the wires.

Trolley wires
on surface
roads.

44r. On surface roads the trolley wires shall be at least 8 feet above the rail level and efficiently guarded.

Insulation
of low pres-
sure wires.

44s. Low pressure wires for lighting or signal circuits shall either be conveyed in metallic conduits or casings, or suspended from or securely tied to porcelain or glass insulators, so that they do not touch any timbering or metal. On no account shall staples be used. If metallic conduits are used, they must be grounded, and if not electrically continuous every section must be grounded. If separate uncased wires are used they shall be kept at least three inches apart and not brought together except at lamps or fittings.

Unauthorized
persons not
to go into
transformer
rooms, etc.

44t. No person, other than a person authorized by the owner, manager or superintendent, shall enter a machine, transformer or motor room or interfere with the working of any machine, transformer, motor or apparatus connected therewith and when the authorized person is not present, the door of such room shall be kept securely locked.

Fuses and
automatic
cut-outs.

44u. Fuses and automatic cut-outs shall be so constructed as effectually to interrupt the current when a short circuit occurs, or when the current through them exceeds the normal working current by 100 per cent. Fuses shall be stamped or marked or shall have a label attached indicating the current with which they are intended to be used, or where fuse wire is used, each coil in use shall be so stamped or labeled. Fuses shall only be adjusted or replaced by an authorized person.

Covering live
parts of
switches, etc.

44v. All live parts of switches, fuses and cut-outs, not in machine rooms, or in compartments specially arranged for the purpose, must be covered. The covers must be of incombustible material and must be either non-conducting or of rigid metal, and, as far as practicable, clear of all internal mechanism.

Using elec-
tricity for
firing shots.

44w.—(1) Electricity from lighting or power cables shall not be used for firing shots, except when a special firing plug, button or switch is provided, which plug, button or switch shall be placed in a fixed locked box, and shall only be accessible to the authorized shot firer.

(2) The firing cables or wires shall not be connected to this box until immediately before they are required for the firing of shots, and shall be disconnected immediately after the shots are fired.

44x. When shot-firing cables or wires are used in the vicinity of power or lighting cables, sufficient precautions shall be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables.

Precautions
in using
shot-firing
cables.

44y. All proper precautions must be taken to prevent electric, signal or telephone wires coming into contact with other electric conductors, whether insulated or not.

Precautions
against con-
tact of elec-
tric conduc-
tors.

44z. A transformer for transforming a high pressure to a medium or low pressure must be placed in a separate building used only for that purpose.

Transform-
ers in separ-
ate build-
ings.

44aa. Electric energy shall not be used directly to thaw explosives.

Thawing
explosives.

44bb. No motor outside of a machine or motor room shall be operated at a pressure exceeding the limits of medium pressure.

Limit of
pressure on
motor.

44cc. All metallic coverings, armoring of cables, and the frames and bed-plates of generators, transformers and motors other than portable motors shall as far as is reasonably practicable, be efficiently grounded.

Metallic
coverings,
etc., to be
grounded.

44dd. All electric switches, controllers, motor-starting devices or other apparatus essential to the operation of electric motors or other equipment shall be constructed in such a way that they may be safely used for the purposes for which they are intended, and shall be maintained in such condition.

Safety in-
struction.

44ee. A trailing cable shall be especially flexible, heavily insulated and protected with extra stout braiding or other equally effective covering, and in the event of its breaking down or being damaged, or of its inflicting a shock upon any person, it shall at once be put out of service, and shall not be used again until it has been repaired and tested by the mine electrician.

Trailing
cables.

44ff. The person in charge of an electric drilling machine shall not leave the machine while it is working, and shall see that the pressure is cut off from the trailing cables before leaving the working place.

Electric
drilling
machine.

44gg. Notwithstanding anything contained in these rules, any electrical plant or apparatus installed or in use before the coming into force of rules 44a to 44ff may be continued in use, unless the inspector shall otherwise direct.

Continuing
use of
present
appliances.

CHAPTER 11.

An Act to amend the Act for The Improvement of
Public Highways.*Assented to 24th March, 1911.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

7 Edw. VII.,
c. 16, s. 2,
amended.

1.—(1) Section 2 of the *Act for the Improvement of Public Highways* is amended by striking out all the words in subsection 3 after the word “highways” in the 11th line, and by adding to the said section the following as subsection (3a).

Grant to
certain
towns and
villages by
county.

(3a) A grant made under subsection 3 to a town or village having a population of not more than 3,000 shall be deemed to form part of the estimated expenditure in carrying out a plan of road improvement in such county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act.

Proviso.

Provided, that the roads or streets to be improved in the town or village have been designated by the By-law of the council of the county, to which there shall be attached a plan of the town or village to be aided, and that such By-law has been approved by the Minister of Public Works, and that the work done upon such roads and streets is in accordance with the regulations of the Department of Public Works with respect to Highways.

Proviso.

Provided, that in the case of a town or village having a population of more than 1,500, the amount granted under subsection 3 shall be expended solely upon roads and streets or portions thereof which lie opposite to lands on one side or the other thereof used for agricultural purposes; and

Provided,

Provided, that the approval of the Minister of Public Works in writing shall be conclusive as to the population of any town or village for the purposes of this subsection. Proviso.

(2) The amendment made by this section shall not affect the payment to a town or village under the said subsection 3 of any grant made by the council of a county and approved by the Minister of Public Works before the passing of this Act, and any such grant shall be included in estimating the expenditure of the county for the purpose of ascertaining the amount of aid to which the county is entitled under the said *Act for the Improvement of Public Highways* as if this section had not been passed. Amendment made to section not to affect grants heretofore made.
7 Edw. VII., c. 16.

CHAPTER 12.

An Act respecting Provincial Aid to Drainage.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Provincial Aid to Drainage Act*. 63 V., c. 8, s. 7. *Amended.*

Interpretation "Drainage work." **2.** In this Act "drainage work" shall mean and include any drainage work to which *The Municipal Drainage Act* applies. *New.*

Application of Act. **3.** This Act shall apply to the construction, reconstruction and the improvement of—

(a) That portion of the trunk channel constituting the outlet of any drainage work;

(b) Any work for the purpose of carrying a drainage work through intervening high land to a natural or other outlet;

(c) Any work for the purpose of rendering more effective a drainage work by embanking, pumping or other mechanical means. 63 V., c. 8, s. 1. *Amended.*

Council of initiating municipality may apply for aid. **4.** The Council of a municipality initiating a drainage work, being or including work to which this Act applies, may, after adopting the engineer's report, apply to the Lieutenant-Governor in Council by petition verified by a statutory declaration of the engineer, and setting forth the reasons why the whole cost of the work should not be assessed upon the lands which would be liable to assessment therefor under *The Municipal Drainage Act*, and that aid should therefore be granted, accompanied by a verified copy of the report, a statement of the cash value and the engineer's assessment of the lands, and a field plan of the proposed work. 63 V., c. 8, ss. 3 and 4. *Amended.*

10 Edw.
VII., c. 90.

5.—(1) Where it appears that the drainage work is, or includes, a work to which this Act applies, the Lieutenant-Governor in Council may cause an examination thereof to be made by an engineer of the Public Works Department who shall report fully thereon and upon all matters alleged in the petition and upon his report the Lieutenant-Governor in Council may assume and pay out of the Consolidated Revenue Fund such part or proportion of the cost of the undertaking as he may deem just and reasonable. 63 V., c. 8, s. 5. *Amended.*

(2) An order-in-council passed under this section shall not be acted upon until it has been approved by resolution of the Assembly. *New.*

6. Chapter 8 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria is repealed.

CHAPTER 13.

An Act respecting the Temiskaming and Northern Ontario Railway.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Salary of
Land Com-
missioner.

¹ Edw. VII.
c. 18.

1. The amount which may be paid by the Temiskaming and Northern Ontario Railway Commission to the Commissioner in charge of the Land Department of such railway is increased from the sum of \$1,500 per annum to the sum of \$1,750 per annum, in addition to the honorarium which may be paid to such Commissioner under *The Temiskaming and Northern Ontario Railway Act*.

¹ Edw. VII.
c. 18,
s. 3, ss. 2
² Edw. VII.
c. 18, s. 1,
amended

2. Subsection 2 of section 3 of *The Temiskaming and Northern Ontario Railway Act*, as enacted by section 1 of the Act passed in the 9th year of the reign of His late Majesty King Edward the VII., Chaptered 18, is amended by striking out the figures "\$1,500" in the last line and inserting in lieu thereof the figures "\$1,750."

CHAPTER 14.

An Act to Provide for the Local Distribution of
Electrical Power.*Assented to 24th March, 1911.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as "*The Power Commission Act, 1911.*" Short title.

2. In this Act

Interpreta-
tion,

(a) "The Commission" shall mean the Hydro-Electric Power Commission of Ontario; "The Com-
mission."

(b) "Corporation" shall mean the Corporation of a city, town, township or village municipality. "Corpora-
tion."

3. Any one or more of the ratepayers in a municipality, the corporation of which has not entered into a contract with the Commission under *The Power Commission Act*, may apply to the corporation to obtain from the Commission a supply of electrical power or energy for the use of such ratepayer or ratepayers for lighting, heating and power purposes or for any of such purposes. Applica-
tion for
supply of
power to
municipal-
ity for
use of par-
ticular
ratepayer.

4. The application shall be in writing signed by the applicants and shall state the lots or parts of lots owned or occupied by each of them respectively, and the purposes for which the electrical power or energy is required. Form of
application.

5. The Council of the Corporation shall thereupon request The Commission to supply the electrical power or energy for the purposes mentioned in the application. Request for
supply.

6. Upon such request The Commission shall furnish to the corporation an estimate of the maximum cost per horse power at which the electrical power or energy will be supplied Estimates,
etc., to be
furnished
by Com-
mission.

at the point of development or of its delivery to The Commission and an estimate of the cost of constructing and providing transmission lines by means of which the amount of electrical power or energy required is to be supplied and of maintaining the same and may furnish to the corporation plans and specifications of the works, plant, machinery and appliances necessary for the distribution of such power or energy by the corporation to the applicants, and an estimate of the cost thereof and such other information as The Commission may think advisable.

By-law
authorizing
contract
with Com-
mission.

7. Within one month after the delivery of the statement and estimates mentioned in the next preceding section, the Council shall, at a special meeting called for that purpose, and of which notice shall have been given to each of the applicants, consider the statement and estimates furnished by The Commission and with the consent of the applicants or such of them as shall signify their desire to proceed to enter into a contract for the supply of electrical power or energy by The Commission, the Corporation without submitting the same to a vote of the electors and without any of the other formalities required in the case of a By-law passed under *The Power Commission Act*, may pass a By-law for entering into a contract with The Commission for the supply of the electrical power or energy required by the applicants, and may enter into a contract with The Commission for that purpose.

7 Edw. VII.,
c. 19.

Application
of
7 Edw. VII.,
c. 19.

8. All the provisions of *The Power Commission Act* as to the annual payments to be made by corporations which have entered into contracts with The Commission shall apply to a contract entered into under this Act.

Admission
of
further
subscribers.

9. The contract may provide for the admission from time to time of further subscribers, or for the making of a contract between the corporation and The Commission under *The Power Commission Act*, and the readjustment thereupon of the amounts payable annually to The Commission and of the amounts payable annually by the subscribers in such manner as may be agreed upon or determined by arbitration or otherwise.

Issue of
debentures.

10. The By-law may provide for the issue of debentures of the municipality payable within twenty years from the issue thereof to meet the cost of construction and instalment of the works, plant, machinery and appliances necessary for the distribution of the electrical power or energy, and for the levying of a special rate for payment of principal and interest in the manner provided by *The Consolidated Municipal Act, 1903*.

3 Edw. VII.,
c. 19.

11. The amount payable by the applicants in each year for the electrical power or energy supplied to them, shall be sufficient to recoup the municipality the amount required to pay the principal and interest of any debentures issued and to meet the annual payments required to be made to the Commission as provided by *The Power Commission Act*, and in default of payment any amount due to the corporation under this section may be entered on the collector's roll and collected in the same manner as other taxes.

Amount
payable
by appli-
cants.

7 Edw. VII.,
c. 19.

12.—(1) The trustees of a Police Village shall for the purposes of *The Power Commission Act*, be deemed a municipal corporation, and subject to the provisions of this Act, may exercise all the powers conferred upon municipal corporations by *The Power Commission Act*, and may enter into a contract with The Commission for the supply of electrical power or energy as provided by that Act.

Contracts
with
Police
Trustees.

(2) The council of the township, or the councils of the townships in which the Police Village is situate, upon the request of the Police Trustees, shall submit the By-law, provided for by section 13 of *The Power Commission Act*, to a vote of the electors of the Police Village qualified to vote thereon, and shall upon the like request issue debentures as provided by the said Act and levy and collect a special rate upon the rateable property in the Police Village for the payment thereof.

Submis-
sion of
By-law
in Police
Village.

(3) The council of the township in which the Police Village or any part thereof is situate, shall annually levy by special rate upon the rateable property in the Police Village, or in that part of the Police Village situate in the township, the amounts required to meet the payments to be made to The Commission.

Township
to levy
rates

CHAPTER 15.

An Act to amend The Power Commission Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Power Commission Amendment Act, 1911.*

2. In this Act

Interpretation "Highway."

(a) "Highway" shall include street, lane, road, square or other public passage, and "Highways" shall have a meaning corresponding to that of highway.

"The Commission."

(b) "The Commission" shall mean The Hydro-Electric Power Commission of Ontario.

"Works."

(c) "Works" shall include wires, pipes, poles, conduits, ducts and other fixtures, appliances or apparatus.

"Corporation."

(d) "Corporation" shall mean a municipal corporation and an incorporated company duly authorized by municipal by-law or agreement to construct and operate works for conducting, furnishing or distributing electricity for light, heat or power purposes in, under or upon any highway, and shall include any Board or Commission incorporated or unincorporated, acting on behalf of a municipal corporation or of the inhabitants of a municipality.

Approval of distributing works of the Commission.

3.—(1) Where a corporation has constructed or desires to construct works for conducting, furnishing or distributing electricity for light, heat or power purposes, in, under or upon any highway, or part of highway, in, under or upon which any other corporation has already constructed and has works

for

for the like purposes, or any of them, upon the application of the first mentioned corporation and after notice to the other and hearing any objections which it may make, the Commission may, if it is of opinion that the location and mode of construction of such works are proper, approve of the same; and all works which such first mentioned corporation has constructed or may thereafter construct, the location and mode of construction of which have been so approved, shall be deemed to have been constructed under statutory authority and to be lawfully constructed and may be maintained and operated by such corporation without its incurring any liability to any other corporation in respect of the construction, maintenance or operation of such works, except that provided for by section 4, any statute or law to the contrary notwithstanding.

(2) Such approval may be given subject to such conditions as the Commission may deem necessary to prevent injury to the works of the other corporation, or to such other corporation and its servants and workmen, in maintaining, repairing and operating them.

Approval
upon con-
ditions.

(3) Where the Commission is of opinion that it is necessary or expedient, in order to prevent danger from contact between the wires of two corporations, or from any other cause, that insulators or other appliances should be affixed to the poles of either corporation, or that the wires of either of them should be attached to such insulators or other appliances, the Commission may authorize or direct such insulators or other appliances to be so affixed, and such wires to be so attached in such manner as the Commission may deem best calculated to prevent such danger; and anything done by either corporation pursuant to such authority or direction shall be deemed to be lawfully done.

Insulation.

(4) Anything authorized or directed to be done under the provisions of subsection 3 shall be done at the expense of a corporation constructing the works in a locality in which works have already been constructed by another corporation, and under such supervision as the Commission may direct.

Work to
be done at
expense of
initiating
corpora-
tion.

(5) The powers conferred by this section may be exercised from time to time as occasion may require.

Powers
exercisable
from time
to time.

(6) The provisions of this section shall apply to works of a corporation constructed before the passing of this Act.

Application
to works
already
constructed.

4.—(1) If any damage or injury is done to the works of a corporation or any of them, or is occasioned in the maintenance or operation of them by reason of the works of another.

Claims for
damages by
one corpora-
tion against
another.

other

other corporation, or any of them, being constructed or operated in closer proximity to the works of such first mentioned corporation than, but for the provisions of section 3, would have been lawful, no action shall lie in respect thereof, but the corporation doing such damage or injury shall make due compensation therefor, and any question or dispute as to such damage or injury having been so done or occasioned, or as to the amount of the compensation, shall be determined by arbitration, and the provisions of *The Consolidated Municipal Act, 1903*, with respect to arbitration in the case of claims against municipal corporations shall apply *mutatis mutandis* to the procedure upon an arbitration under this section.

3 Edw. VII.,
c. 19.

Notice of
claim.

(2) The corporation claiming damages shall within one month after the coming into force of this Act, or within one month after the expiration of any calendar year, in which it claims that any such damage or injury has been so done or occasioned, give notice in writing to the other corporation of its claim and of the particulars thereof, and upon failure to do so the right to compensation in respect of the damage or injury done or occasioned prior to the coming into force of this Act or during that calendar year shall be forever barred.

Approval
of Commission
may be
pleaded.

5. Where the location and mode of construction of any works of a corporation which have been constructed before the passing of this Act are approved by the Commission under the provisions of section 3, the approval of the Commission may be set up in and shall be available as a defence to any action now pending to the same extent and with the same effect as if such action had been commenced after the passing of this Act, and the giving of such approval; and where it is so set up, the plaintiff shall be entitled to discontinue the action, and, if he does so, to be paid his costs of it by the defendant.

Exclusive
jurisdiction
of Commission.

6. The Commission shall have exclusive jurisdiction as to all matters in respect of which authority is, by this Act, conferred upon it, and nothing done by the Commission within its jurisdiction shall be open to question or review in any action or proceeding or by any Court.

Jurisdiction
of courts
ousted.

7. No Court shall have authority to grant, or shall grant an injunction, or other order, restraining, either temporarily or otherwise, the construction, maintenance or operation of any works, the location and mode of construction of which have been approved by The Commission if the same are being, or have been, constructed in the place and according to the mode which have been so approved.

CHAPTER 16.

An Act^{to} to confirm Certain Contracts entered into by
The Hydro-Electric Power Commission
of Ontario.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The municipal corporations of the Towns of Bramp-
ton, Dundas, Seaforth, Mitchell and of the Village of Weston,
are added as parties of the second part to the contract set
out as Schedule "A" to *The Power Commission Act, 1909*,
as varied and confirmed by the said Act and as further varied
and confirmed by the Act passed in the 10th year of the
reign of His late Majesty King Edward VII., chaptered 16,
and the said contract shall be binding as to the Town of
Brampton from the 14th day of June, 1910, as to the Town
of Dundas from the 7th day of November, 1910, as to the
Town of Seaforth from the 19th day of December, 1910, as
to the Town of Mitchell from the 25th day of December,
1910, and as to the Village of Weston from the 17th day
of June, 1910.

Amendment
of contract
by addition
of Bramp-
ton, Dundas,
Seaforth,
Mitchell
and Weston.

2. The names of the said municipal corporations are added
to Schedule "B" to the said contract, and such Schedule
shall be read as containing the particulars set out in Schedule
"A" to this Act.

Addition to
schedule
to contract.

3. By-law No. 316 of the corporation of the Town of
Brampton, By-law No. 671 of the corporation of the Town of
Dundas, By-law No. 86 of the corporation of the Town of Sea-
forth, By-law No. 11 of the corporation of the Town of
Mitchell, and By-law No. 367 of the corporation of the Vil-
lage of Weston are confirmed and declared to be legal, valid
and binding upon the said corporations and the ratepayers
thereof respectively, and shall not be open to question upon

By-laws
confirmed.

any

any ground whatsoever notwithstanding the requirements of *The Power Commission Act*, or the amendments thereto or of any other statute.

Contracts
confirmed.

4. The contracts heretofore entered into by the said corporations respectively with the Commission are confirmed and declared to be legal, valid and binding upon the parties thereto respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act*, or the amendments thereto or of any other statute.

SCHEDULE A.

Additions to Schedule B to the contract set out in Schedule A to 9 Edw. VII., c. 19.

Name of Municipal Corporation.	Quantity of power applied for in H.P.	Maximum price of power at Niagara Falls.	No. of Volts.	Estimate maximum cost of power ready for distribution in municipality.	Estimate proportionate part of cost to construct transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.	Estimate of proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.
Brampton ..	1,300	..	..	29.40	\$179,132	\$15,690
Dundas	600	..	..	17.33	32,160	2,892
Seaforth	400	..	..	41.25	102,941	6,769
Mitchell ...	200	..	..	38.50	47,490	3,066
Weston	250	..	..	29.25	42,437	2,501

CHAPTER 17.

The Statute Law Amendment Act, 1911.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 15*b* of *The Act to preserve the Forests from Destruction by Fire*, added thereto by the Act passed in the sixty-third year of the reign of Her late Majesty Queen Victoria, chapter 45, is amended by striking out the words “one half of” where they occur in the tenth and eleventh lines thereof; by striking out the words “and one half by the said Minister out of moneys voted by the Legislative Assembly for the purpose” in the thirteenth, fourteenth and fifteenth lines thereof; by striking out the words “the whole amount of” in the sixteenth line thereof; by striking out the words “one half” in the eighteenth line thereof; and by inserting after the word “expenses” in the sixteenth line thereof the words “out of moneys voted by the Legislative Assembly for the purpose.” Rev. Stat.
c. 267, s.
15*b*, amend-
ed.

2. Section 27 of *The Ontario Public Service Act* is amended by adding the words “or to any member or members thereof” at the end of the said section. Rev. Stat.
c. 15, s. 26,
amended.

3. *The Supplementary Revenue Act, 1907*, is amended by inserting after section 20 thereof the following section: 7 Edw. VII.
c. 9, amend-
ed.

20*a*.—(1) Where lands liable to acreage tax under section 16 are held by two or more co-owners and the whole of the taxes have been paid by one or more of such co-owners, and the other co-owner or co-owners have neglected or refused to pay his or their proportion of such taxes for a period of six years, the co-owner or co-owners who have paid such taxes may apply to a Judge of the High Court for a summons directed to the delinquent co-owner or co-owners, calling upon him or them to make payment of the proper proportion of such taxes, to the co-owner or co-owners who have paid the same, within three months from the date of such summons. Procedure
to enforce
claim for
payment of
taxes by
one co-owner
against
another.

(2) The summons shall be served in such manner as the said Judge shall direct, and if upon the return thereof it shall appear that payment has not been made in accordance therewith, the Judge may make an order vesting the interest of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid the taxes, and such order shall be registered in the proper registry or land titles office.

(3) In this section "co-owner or co-owners" shall include "co-lessee or co-lessees."

7 Edw VII.
c. 9, s. 21
(1), amend-
ed.

4. Section 21 of *The Supplementary Revenue Act, 1907*, is amended by adding thereto the following as subsection (1a):

Notice to
persons in
default.

(1a) If the taxes due, with costs and expenses, or any part thereof, remain unpaid until within four months of the day so fixed, the Deputy Minister shall, not later than two months prior to such day, mail or cause to be mailed by registered post to the person appearing from search or inquiry at the Registry or Land Titles Office to be the owner or last known owner of each property so in default, at what appears to the Deputy Minister to be the address or last known address of such person so far as he can reasonably ascertain it, notice specifying the total amount of taxes, costs, expenses and penalties due or payable under this Act in respect of such property and stating that unless the same is paid on or before the day so fixed the property will be forfeited; and to the amount otherwise payable under this Act there shall in every such case be added and shall be paid as costs of such notice the sum of \$5 for each parcel of property."

8 Edw. VII.
c. 9, s. 17
(1), amend-
ed.

5.—(1) Subsection (1) of section 17 of *The Audit Act* is amended by striking out the words "criminal investigation" in the fourth line, and inserting in lieu thereof the words "the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters."

(2) Subsection 1 of section 13 of *The Audit Act* is amended by adding the following clause:—

(d) In the cases provided for by section 17.

Salaries and
increases,
when to
take effect.

6.—(1) Notwithstanding anything in *The Ontario Public Service Act*, or in any other statute, order in council or regulation, where the salary or other remuneration or an increase in the salary or other remuneration attached to any office, clerkship or service is voted by the Assembly in the Estimates or Supplementary Estimates for any

any financial year, whether the appropriation therefor is made by the Legislature before the commencement of, or during the financial year for which the appropriation is made, and notwithstanding that the officer, clerk or servant was appointed after the commencement of the financial year for which the salary or other remuneration or increase was voted, unless it is otherwise expressly stated in the Estimates or Supplementary Estimates, or directed by the Lieutenant-Governor in Council, any appointment to such office, clerkship or service shall take effect as from the commencement of the financial year in which the same is made, and such salary, or other remuneration, or such increase, shall take effect and shall be payable, as from the commencement of the financial year for which the same is voted, and the portion of such salary or other remuneration or of such increase which has accrued before the date of the passing of the Act making the appropriation shall be payable at that date.

(2) This section shall take effect as from the 31st day of October, 1910.

7.—Subsection 1 of section 21 of *The Vital Statistics Act* is amended by adding at the end of the subsection the words, “but in the case of a marriage solemnized under the authority of a license or certificate it shall be sufficient to report the same on the form attached to the license or certificate.” 8 Edw. VII.,
c. 28, s. 21
subs. 1
amended.

8. *The Vital Statistics Act* is amended by adding thereto the following section as section 20a. 8 Edw. VII.,
c. 28,
amended.

20a.—(1) The Registrar-General may register a birth which has not been registered in accordance with section 18 if the information is furnished in accordance with the provisions of this Act, and the registration shall be made in the proper register, and the date of registration shall be entered in the proper column of the register. Registration
of
births
where Act
has not
been com-
plied with.

(2) Where the registration of a marriage has not been made, as provided by section 21, the Division Registrar of the Division in which a marriage was solemnized may register the same at any time after the solemnization of the marriage if the information is furnished in accordance with the provisions of this Act, and the registration shall be made in the schedules of the current quarter. Registration
of
marriages
after de-
fault.

(3) After the expiration of twelve months from the solemnization of the marriage, registration shall only be made by the Registrar-General, if the information is furnished in accordance with the provisions of this Act, and the entry of registration shall be made in the proper register, and the date of registration shall be entered in the proper column of the register. Registration
of
marriage
after
twelve
months.

(4)

Registration of death after default.

(4) The Registrar-General may register a death which has not been registered by a Division Registrar in accordance with section 28, if the information is furnished in accordance with the provisions of this Act, and the registration shall be made in the proper register, and the date of registration shall be entered in the proper column of the register.

7 Edw. VII., c. 34, amended.

9.—(1) *The Ontario Companies' Act* is amended in the following manner:

S. 44, amended.

(a) In section 44, by striking out the words "or directors" in the fifth line.

S. 73, 8 Edw. VII., c. 43, s. 1 (5), (6), amended.

(b) In section 73, as amended by 8 Edward VII., Chapter 43, section 1, subsections 5 and 6, by striking out the words, "Provided, however, that nothing in this part of this Act shall apply to promissory notes, bills of exchange, bills of lading, warehouse receipts or other securities of a commercial nature issued in the ordinary course of business," and substituting therefor the following: "Nothing in this section shall limit or restrict the power of the corporation to borrow money on bills of exchange, promissory notes, bills of lading, warehouse receipts or other securities of a commercial nature issued in the ordinary course of business."

Borrowing powers of companies.

S. 141, amended. Selling mining stock at a discount.

(c) In section 141 by striking out the word "thereof" in the third line and inserting in lieu thereof the words, "who are present"; and by adding the following words at the end thereof: "This section shall be construed as if it had been wholly enacted on the 20th day of April, 1907."

S. 154, amended.

(d) In section 154, by striking out the word "or" in the fourth line thereof and substituting therefor the word "and."

S. 73, cl. b., construed.

(2) The words "other securities" in clause (b) of section 73 of the said Act and in the Acts thereby repealed, include and are declared to have always included debenture stock both perpetual and terminable.

S. 73 (2), repealed.

(3) Clause (2) of section 73 is repealed.

9 Edw. VII., c. 6, s. 39, amended.

10. Section 39 of *The Sheriffs Act* is amended by adding thereto the following subsection:

Sheriffs disbursements for keep of a horse allowed.

(2) Sheriffs may charge as a necessary disbursement such sum for the keep of a horse as the Inspector of Legal Offices certifies to be reasonable, and any allowance for the keep of a horse heretofore made by the Inspector shall be deemed to have been properly allowed.

11.—(1) Paragraph (h) of section 6 of *The General Sessions Act* is repealed and the following substituted therefor: 9 Edw. VII.,
c. 30, s. 6,
amended.

(h) At Sudbury on the first Tuesday in the month of June and on the fourth Tuesday in the month of November. Sittings of
Sessions at
Sudbury.

(2) Subsection 1 of section 4 of *The General Sessions Act* as amended by section 32 of *The Statute Law Amendment Act, 1910*, is amended by striking out the word "Wentworth" in the fifth line, and subsection 3 of said section 4 as amended by section 32 of *The Statute Law Amendment Act, 1910*, is amended by striking out the words "and Wentworth" in the first line and inserting the word "and" before the word "Middlesex." Sittings in
Wentworth.

(3) Subsection 2 of section 4 of *The General Sessions Act* is amended by striking out the words "County of York" in the first line and substituting therefor "the Counties of York and Wentworth." Counties of
York and
Wentworth.

(4) This section shall come into force on the 1st day of August, 1911. Commence-
ment of
section.

12. Section 4 of *The Replevin Act* is amended by adding thereto the following words: 9 Edw. VII.,
c. 38, s. 4,
amended.

"Or for the recovery of any liquor seized by a License Inspector, Constable or other Officer under *The Liquor License Act*."

15.—(1) Paragraph (d) of section 1 of the Act passed in the ninth year of the reign of His late Majesty King Edward VII., chaptered 72, is hereby repealed and the following substituted therefor: 9 Edw. VII.,
c. 72, s. 1,
subs. 3 (d.),
amended.

"(d) That the Railway Company completes the entire lines from Sudbury to Little Current on or before the 31st day of December, 1912." Manitoulin
and North
Shore Rail-
way Com-
pany land
grant.

(2) Section 4 of the said Act is amended by inserting after the word "Act" in the third line thereof the words "as amended by Section 15 (1) (d) of *The Statute Law Amendment Act, 1911*." 9 Edw. VII.,
c. 72, s. 4,
amended.
Payment of
subsidy.

16. Paragraph (b) of section 1 of the Act passed in the ninth year of the reign of His late Majesty King Edward VII., chaptered 70, is amended by striking out the figures "1911" in the last line thereof and substituting therefor the figures "1912." 9 Edw. VII.,
s. 1, subs.
(b), amend-
ed.
Algoma Cen-
tral and
Hudson Bay
Railway.

Subsidy granted to Ontario, etc. Ry. Co., by 62 Vic., c. 23, transferred to the Algoma Central and Hudson Bay Ry. Co.

17. The cash subsidy of \$2,000 per mile given by subsection 1 of section 1 of the Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 23, to The Ontario Hudson's Bay and Western Railways Company is hereby granted to The Algoma Central and Hudson Bay Railway Company in lieu of the said The Ontario Hudson's Bay and Western Railways Company for that portion of the lines of railway of The Algoma Central and Hudson Bay Railway Company between the main line of The Canadian Pacific Railway Company and The National Transcontinental Railway a distance not exceeding 115 miles, subject to the condition that the line of railway for which the above mentioned subsidy is granted shall be commenced within two years from the date of the passing of this Act and completed within five years from such date.

Land grants given to the Ontario, etc. Ry. Co., by 62 Vic., c. 23, transferred to the Algoma Central and Hudson Bay Ry. Co.

18. The Land Grant of 5,000 acres per mile given by section 3 of the Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 23, to The Ontario Hudson's Bay and Western Railways Company, is hereby granted to The Algoma Central and Hudson Bay Railway Company in lieu of the said The Ontario Hudson's Bay and Western Railways Company for that portion of the lines of railway of The Algoma Central and Hudson Bay Railway Company between the main line of The Canadian Pacific Railway Company and The National Transcontinental Railway, a distance not exceeding 115 miles, subject to the condition that the line of railway for which the above mentioned subsidy is granted shall be commenced within two years from the date of the passing of this Act and completed within five years from such date.

9 Edw. VII., c. 89, s. 15, amended.

19. Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection:

School section formed by division of section to be a new section.

(5) Any section which has been or shall be formed at any time by dividing an existing section shall be deemed to be a new section for all purposes.

10 Edw. VII., c. 30, s. 15 (2), amended.

20.—(1) Subsection 2 of section 15 of *The County Courts Act* is amended by striking out the words "and Wentworth" in the first line and adding the word "and" before the word "Middlesex" in the same line.

County Court sittings in Wentworth.

(2) Subsection 3 of section 15 is amended by adding after the word "York" in the first line the words "and the County of Wentworth."

(3) Subsection 4 of said section 15 is amended by adding after the word "York" in the first line the words "and in the County of Wentworth."

21. *The County Courts Act* is amended by adding thereto the following section: 10 Edw.
VII., c. 30,
amended.

17a. The Clerk shall be entitled to be paid by the County the sum of \$4 for each day's attendance at all sittings of the County Court, both non-jury and jury. (See R.S.O., cap. 51, section 154.) Remuneration
of clerk

23. Subsection 6 of section 145 of *The Division Courts Act* is amended by adding at the end of the 4th line the words "and the sum of ten cents per mile for every mile in excess of two miles necessarily travelled by him from his place of residence to the place at which the Court is held." 10 Edw.
VII., c. 32,
s. 145 (6),
amended

24. Section 33 of *The Justices of the Peace Act* is amended by inserting the words "or, in the case of a District from the Province" after the word "County" in the fourth line thereof. 10 Edw.
VII., c. 35,
s. 33, amend-
ed.

25. *The Constables' Act* is amended by inserting therein the following section: 10 Edw.
VII., c. 39,
amended.

17a.—(1) The Superintendent of the Ontario Provincial Police Force shall be ex-officio a Police Magistrate, and shall have and may exercise and perform the powers and duties of a Police Magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district, or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district, or other locality in which the offence charged is alleged to have been committed. Superintend-
ent to be
ex-officio
police
magistrate.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Superintendent notwithstanding that there is in the locality in which he acts a Police Magistrate, who, under *The Police Magistrate's Act*, or any other Statute, has jurisdiction exclusive or otherwise. Exercise of
jurisdiction.

(3) The Lieutenant-Governor in Council may make such regulations from time to time with respect to the Ontario Provincial Police Force as he may deem expedient. Regulations.

(4) The Order-in-Council, dated 1st March, 1911, adding to the regulations respecting the Ontario Provincial Police Force regulations numbered 62 and 63, is confirmed and shall be valid and binding to all intents and purposes as if the provisions contained in such regulations had been set out and enacted herein, but nothing in this section shall prevent the Lieutenant-Governor in Council from making changes Order-in-
Council,
confirmed.

changes in such regulations, or repealing the same as he may deem proper.

10 Edw.
VII., c. 39,
amended.

26. *The Constables' Act* is amended by adding thereto the following section:

When
County to
pay ex-
penses of
Ontario
Police.

17b. When the Crown Attorney of any county by writing addressed to the Superintendent of the Ontario Provincial Police Force, requests the services of a member of the force, the expenses of any member of the force furnished in compliance with such request shall be certified by the Superintendent and the amount so certified shall be paid by the Treasurer of the County to the Treasurer of Ontario.

10 Edw.
VII., c. 96,
s. 1, repeal-
ed.

27. Section 1 of *The Act respecting Juvenile Courts*, passed in the tenth year of the reign of His late Majesty King Edward VII., chapter 96, is repealed and the following section substituted therefor:—

Salary to be
paid to
Magistrate
or officer
constituting
a Juvenile
Court.

1. The Lieutenant-Governor in Council may by Order-in-Council fix the salary to be paid to the Magistrate or officer constituting a Juvenile Court under *The Juvenile Delinquents Act, 1908*, for a city or town, and such salary shall be paid by the city or town at the time and in the manner set forth in such Order-in-Council.

10 Edw. VII.,
c. 22, s. 54
and 7
Edw. VII.,
c. 23, s. 54
amended.
Bracebridge
and Trading
Lake Rail-
way Co.

28.—(1) Section 54 of *The Act to incorporate the Bracebridge and Trading Lake Railway Company*, as enacted by section 2 of *The Statute Law Amendment Act, 1910*, is amended by striking out the figures "1911" and substituting the figures "1912."

Extension
of time for
earning
subsidy.

(2) The time limited for the subsidy granted to the said Railway Company by the Statute passed in the first year of the reign of His late Majesty, chapter 22, is extended for two years from the passing hereof, provided that the Company shall have expended a sum of not less than \$35,000 in the construction of the said Railway before the 31st day of December, 1911.

9 Edw. VII.,
c. 43, s. 31
amended.

29. Section 31 of *The Evidence Act* is amended by striking out all the words after the word "appointment" in the 4th line and substituting therefor the following words "or to any matter or thing as to which he is by law authorized or required to certify."

10 Edw. VII.,
c. 60
amended.

31.—(1) Section 62 of *The Registry Act* is repealed and the following substituted therefor:

62. In the case of a registered mortgage the Registrar on receiving a certificate, Form 10, executed by the mortgagee, his executors, administrators or assigns and duly proven in the manner required for the proof of other instruments shall register the same and record it and every affidavit attached to or endorsed on it at full length in the proper order in the Registry Book and number it in like manner as other instruments are required to be registered, recorded and numbered.

Registration of discharge of mortgage.

(2) The following section is added to *The Registry Act*: ^{10 Edw. VII., c. 60, amended.}

66a. Every certificate of payment or discharge of a mortgage or of the conditions therein or of the lands or any part thereof by the mortgagee, his executors, administrators or assigns at any time given and whether before or after the time limited by the mortgage for payment or performance, if in conformity with this Act, shall, when registered, be a discharge of the mortgage or of the lands in such certificate described, as the case may be, and shall be as valid and effectual in law as a release of the mortgage or of such lands and as a conveyance to the mortgagor, his heirs or assigns of the original estate of the mortgagor therein.

Effect of registration of discharge of mortgage.

(3) Section 88 of *The Registry Act* is amended by inserting after the word "thereof" in the third line of subsection 1 the following words "and a copy of the surveyor's field notes, if any." And subsection 2 of that section is amended by striking out the word "is" in the second line and substituting the following words "and a certified copy of the surveyor's field notes, if any, are."

^{10 Edw. VII., c. 60, s. 88, amended.}

Registration of field notes and plans.

(4) Section 80 of *The Registry Act* is amended by adding thereto the following as subsection (8a):

^{10 Edw. VII., c. 60, s. 80, amended.}

(8a) In the case of a survey hereafter made the plan shall be accompanied by a copy certified by the surveyor by whom the survey was made to be a true copy of the field notes, if any, of the survey.

Registration of field notes and plans.

32. Section 3 of *The Powers of Attorney Act* is amended by adding thereto the following paragraph:

^{10 Edw. VII., c. 47, amended.}

Provided that nothing in this section shall affect the right of any person entitled to the money against

^{Imp. Act 56-57 Vict. c. 53, s. 24 part.}

the

the person to whom the payment is made, and that the person so entitled shall have the same remedy against the person to whom the payment is made as he would have had against the person making the payment.

Rev. Stat.,
c. 51, s. 143
amended.

33.—(1) Subsection (3) of Section 143 of *The Judicature Act* is amended by adding the following subsection:

Local regis-
trars of
High Court
in districts.

(6) The clerks of the District Courts shall *ex officio* be local registrars of the High Court for their respective Districts.

S. 2,
amended.

(2) Section 2 of the said Act is amended by adding the following paragraphs:

"County."

14. "County" shall include "District."

"County
Court."

15. "County Court" shall include "District Court."

"County
Town."

16. "County Town" shall include "District Town."

S. 58,
par. 1, 7, 8,
repealed.

(3) Paragraphs 1, 7 and 8 of section 58 of *The Judicature Act* are repealed.

S. 57,
amended.

(4) Paragraph 4 of section 57 of the said Act is also repealed.

s. 57,
amended.

(5) Section 57 of *The Judicature Act* is amended by adding thereto the following clause:

Tender of
amends.

7a. A person who has committed a wrong giving a cause of action for the recovery of damages to the person wronged may at any time before action tender amends and the tender shall have the same effect as a tender in an action for the recovery of a debt.

9 Edw. VII.,
c. 47, s. 9,
amended.

34.—(1) Section 9 of *The Execution Act* is amended by inserting at the commencement thereof the words "subject to the provisions of the *Land Titles Act*."

9 Edw. VII.,
c. 47, s. 32,
amended.

(2) Section 32 of *The Execution Act* is amended by adding thereto the following subsection:

Property
over which
deceased
had general
power of
appoint-
ment to be
exigible.

(3) Property over which a deceased person had a general power of appointment exercisable for his own benefit without the assent of any other person where the same is appointed by his will may be seized and sold under an execution against the personal representative of such deceased person after the property of the deceased has been exhausted.

(3) Section 18 is amended by inserting after the word "bonds" in the tenth line the word "mortgages."

⁹ Edw. VII.,
c. 47, s. 18
amended

(4) Section 19 of *The Execution Act* is amended by inserting after the word "bond" in the second line the word "mortgage" and section 21 of the said Act is amended by inserting after the word "bond" in the third line the word "mortgage"; and section 25 of the said Act is amended by striking out the word "such" in the second line and substituting therefor the word "any" and by inserting after the word "instrument" in the third line the words "seized under the provisions of this Act."

⁹ Edw. VII.,
c. 47,
ss. 19, 21, 25
amended.

(5) Subsection 1 of section 9 of *The Execution Act* is amended by inserting after the word "writ" in the eighth line the following words, "or any other writ by virtue of which the goods of the execution debtor might be seized or attached."

⁹ Edw. VII.,
c. 47, s. 9 (1)
amended.

(6) *The Execution Act* is amended by adding thereto the following section as section 9a:

⁹ Edw. VII.,
c. 47,
amended.

9a. Subject to the provisions of *The Judicature Act* and Rules of Court, lands and other hereditaments and real estate, belonging to any person indebted, shall be liable to and chargeable with all just debts, duties and demands of what nature or kind soever, owing by any such person to His Majesty, or to any of his subjects, and shall be assets for the satisfaction thereof, and shall be subject to the like remedies, proceedings and process, for seizing, selling or disposing of the same, towards the satisfaction of such debts, duties and demands, and in like manner as personal estate is seized, sold or disposed of.

Real
estate
to be
chargeable
with debts.

35.—(1) Section 10 of *The Administration of Justice Expenses Act* is amended by striking out the figures "32" in the first line thereof.

¹⁰ Edw. VII.,
c. 41, s. 10
amended.

(2) Section 21 of *The Administration of Justice Expenses Act* is amended by adding thereto the following subsection:—

¹⁰ Edw. VII.,
c. 41, s. 21,
amended.

(3) The Chairman of the Board of Audit shall have the power of summoning before the Board any person and of requiring him to give evidence on oath, and to produce such documents and things as the Board may deem requisite to the full investigation of such accounts and demands, and for that purpose shall have the same power to enforce the attendance of any person and to compel

Authority
of Chairman
of Board of
Audit as to
evidence.

compel him to give evidence and produce documents and things as is vested in any court in civil cases. 8 Edw. VII. c. 37, s. 1.

Rev. Stat.
c. 163, s. 3
amended.

36. Section 3 of *The Married Women's Property Act* is amended by adding thereto the following subsection:—

- (5) Where any freehold hereditament is vested in a married woman as a bare trustee, she may convey or surrender the same as if she were a feme sole, and without her husband joining in the conveyance. R.S.O. 1897, c. 129, s. 8.

10 Edw. VII.
c. 69,
s. 16, subs. 2
amended.

37. Subsection 2 of section 16 of *The Mechanics and Wage Earners' Lien Act* is amended by striking out the figure "5" in the third line and substituting therefor the figure "6."

10 Edw. VII.,
c. 32, s. 74,
amended.

38. Section 74 of *The Division Courts Act* is amended by striking out the words "unless and until" in the third and fourth lines and substituting therefor the word "where."

10 Edw. VII.
c. 30, s. 28,
amended.

39. Section 28 of *The County Courts Act* is amended by inserting after the word "forfeitures" in the fifth line the words "but shall not have the power to remove a trustee or to appoint a new trustee under *The Trustee Act*."

10 Edw. VII.
c. 52, s. 26
amended.

40. Section 26 of *The Estates Tail Act* is amended by inserting at the end of the third line the words "from or within."

10 Edw. VII.,
c. 63
amended.

41. *The Mercantile Law Amendment Act* is amended by adding thereto the following section:—

Stipulations
of the
essence of
the con-
tract.

- (a) Stipulations in contracts as to time or otherwise which would not before the passing of *The Ontario Judicature Act, 1881*, have been deemed to be or to have become of the essence of such contracts in a Court of Equity shall receive in all courts the same construction and effect as they would prior to the passing of that Act have received in equity. R.S.O. 1897, c. 51, s. 58 (7).

Part per-
formance.

- (b) Part performance of an obligation either before or after a breach thereof when expressly accepted by the creditor in satisfaction, or rendered in pursuance of an agreement for that purpose, though

though without any new consideration, shall be held to extinguish the obligation. R.S.O. 1897, c. 51, s. 53 (8).

42.—(1) Section 16 of *The Lunacy Act* is amended by adding thereto the following clause:—

9 Edw. VII.,
c. 37, s. 16,
amended.

- (l) Give consent to the transfer or assignment of a lease where the consent of the lunatic to the transfer or assignment thereof is requisite.

(2) Subsection 2 of section 10 of *The Lunacy Act* is amended by striking out the figures and word "2 and 3" in the second line and substituting therefor the figures and word "3 and 4."

9 Edw. VII.,
c. 37, s. 10,
subs. 2,
amended.

43. Chapters 5, 31, 34, 35, 50, 58, 72 and 159 of the Revised Statutes of Ontario 1897, and the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 9, and Chapter 10 of the Acts passed in the 1st year of the reign of His late Majesty King Edward the Seventh are repealed.

Certain Acts
repealed

45.—(1) With the consent of the Lieutenant-Governor in Council and on such terms as he may see fit any Company authorized to supply electrical power or energy or compressed air or both may from time to time construct, maintain and operate transmission lines, air pipe lines, substations and other conveniences for the transmission of electrical power or energy or compressed air or both in and through any mining division and for any of such purposes may enter upon, take and use any mining lands or any privilege or easement required by such company for such purposes without the consent of the owner thereof but subject to the payment of such compensation or annual rent for the privilege or easement required, and authorized as may be determined by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may from time to time revoke or vary the terms upon which any right conferred under the authority of this section may be exercised.

Transmission
of
electricity
in Mining
Division
and enter-
ing on lands
without
consent
of owner.

(2) This section shall not come into force until a day to be named in a Proclamation of the Lieutenant-Governor in Council.

Proclama-
tion of com-
mencement
of Act.

46. Subsection 1 of section 12 of *The Agricultural Societies Act* is amended by striking out the words and figures "(2) A Society which expends any of its funds for any purpose of" in the 16th and 17th lines, and substituting therefor the following "(c) By."

10 Edw. VII.,
c. 19, s. 12,
amended.

10 Edw. VII.,
c. 60, s. 91,
clause (h),
amended.

47. Clause (h) of section 91 of *The Registry Act* is amended by striking out all the words after the figures "20" in the 5th line of the said clause, and inserting in lieu thereof the words "up to 100 lots, and a fee of two cents for each lot in excess of 100."

10 Edw. VII.
c. 30, s. 22,
amended.

48. Clause (f) of section 22 of *The County Courts Act* is amended by inserting after the word "liens" in the 3rd line the words "with or without a claim for delivery of possession or payment or both."

10 Edw. VII.,
c. 19, s. 24,
amended.

49. Section 24 of *The Agricultural Societies Act* is hereby amended by adding the following subsection:

Special
grants to
Agricultural
Societies
where gate
receipts
affected by
weather.

- (2) If the Superintendent on or before the thirty-first day of December in any year receives proof by the joint affidavit of the President and Secretary or Secretary-Treasurer that rain or snow has fallen at the place of holding an exhibition and before three o'clock in the afternoon on any day of the holding of an exhibition, and upon his being satisfied that as a consequence the gate receipts were less than the average of the previous three years of holding the exhibition, the society shall be entitled to receive a grant equal to one half of the difference between the gate receipts of the current year and the average of the gate receipts of the previous three years, but the amount to be paid shall not exceed three hundred dollars, and the total amount so paid to all societies shall not exceed ten thousand dollars.

10 Edw. VII.,
c. 18, s. 3
(1),
amended.

50. Subsection 1 of section 3 of *The Agricultural Associations Act* is amended by adding thereto the following words "The Ontario Plowmen's Association."

7 Edw. VII.,
c. 9, s. 21,
amended.

51. Section 21 of *The Supplementary Revenue Act, 1907*, is amended by adding thereto the following subsection:

(6) When any such certificate has been or shall hereafter be registered, *The Registry Act* shall cease to apply to the land affected thereby, and the Registrar shall in his abstract index in red ink note the fact.

Rev. Stat.
235, s. 3
amended.

52.—(1) Section 3 of *The Municipal Waterworks Act* is amended by inserting after the word "necessary," in the fourth line, the following words: "or to appropriate."

Rev. Stat.
c. 235, s. 4
amended.

(2) Section 4 of *The Municipal Waterworks Act* is amended by inserting after the word "waterworks," in the sixth line, the following words: "or of protecting the same or
for

for the purpose of preserving the purity of the water supply, and may appropriate such parts of the said lands."

53. The Corporation of the County of Essex and the Corporation of the City of Windsor may enter into an agreement for providing and maintaining suitable accommodation in the City of Windsor for offices for the Crown Attorney, Local Master and Local Registrar of the High Court, and chambers and offices for the County Judges and for other officers connected with the administration of justice in the county, and either of such Corporations may acquire by purchase, lease or otherwise in the City of Windsor the necessary land or land and buildings for such offices, and may erect buildings and furnish and maintain the same for all or any of such purposes, and may pass by-laws for borrowing money by the issue of debentures, payable within 30 years from the date of the issue thereof, to pay the cost of such land and buildings, without obtaining the assent of the ratepayers.

54. Section 8 of *The County Judges Act* is amended by adding thereto the following words: "unless otherwise provided by Order in Council."

55.—(1) Subsection 1 of section 7 of *The Public Schools Act* is repealed and the following substituted therefor:

7.—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September, and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January, and end on the 29th day of June.

(2) Subsection 5 of section 32 of *The Public Schools Act* is amended by adding at the end thereof the words: "nor to the lands of non-residents, nor to the lands of residents in the section who have no children of school age."

(3) Subsection 2 of section 52 of *The Public Schools Act* is amended by striking out the words "by the Council" in the last line of the subsection and inserting in lieu thereof the words "by the judge of the county or district Court of the county or district in which the school is situate, the inspector, and one other person to be named by them, whose direction or the direction of a majority of them as to the disposition of the assets shall be carried out by the council."

(4) Subsection 1 of section 53 of *The Public Schools Act* is amended by inserting after the word "forenoon," in the 4th line, the words "or if the Board by resolution so directs at the hour of seven o'clock in the afternoon."

9 Edw. VII.,
c. 89, s. 54,
amended.

(5) Section 54 of *The Public Schools Act* is amended by adding thereto the following subsection:

Polling at
evening
meeting.

(5a) When the meeting is held at seven o'clock in the evening, the ratepayers may decide, by resolution, that the poll shall be conducted forthwith or at ten o'clock on the following morning; and if conducted in the evening the poll shall close after ten minutes has elapsed without any vote being recorded.

9 Edw. VII.,
c. 89,
amended.

(6) *The Public Schools Act* is amended by adding thereto the following section:

Agreement
between
school board
of city and
board of
contiguous
rural sec-
tion for
joint use
of rural
school.

71a.—(1) The Board of Education or Board of Public School Trustees in any city may agree with the Board of Public School Trustees of a school section adjacent to the boundaries of the city for the erection, equipment and maintenance of a school in the school section for the joint accommodation of pupils from the school section, and from any designated area in the city contiguous to the section:

Terms of
agreement.

(2) The agreement shall fix the location of the school, the class of building to be erected, the accommodation to be provided and the proportion of the cost of erecting and maintaining the school to be contributed by the city and the rural school section respectively.

Estimates
of urban
board to in-
clude cost.

(3) The Board of Education or Board of Public School Trustees of the city shall include in its annual estimates an amount sufficient to pay its proportion of such cost, and the same shall be levied, collected and paid over by the corporation of the city as part of the rate levied for public school purposes in the city.

Agreement
to be ap-
proved by
Minister.

(4) The agreement shall not be binding or be acted upon until it has received the approval in writing of the Minister.

Matters con-
sequent up-
on annexa-
tion of
section to
city.

(5) If after the agreement has been entered into, the rural school section or the part thereof in which the school is situate is annexed to the city, the school site and buildings and property used in connection therewith shall vest in the Board of Education or Board of Public School Trustees of the City, and all payments made by such Board towards acquiring a site, erecting buildings, or making permanent improvements, shall

be

be taken into consideration in fixing the amount to be paid by the Board for the school.

- (6) The Minister may make regulations in the manner provided by *The Education Department Act*, for the apportionment of the legislative and municipal grant in the case of schools to which this section applies, and may fix the proportion which shall be paid on account of any such school, out of the Legislative grant for rural and urban schools respectively, and the proportion of the municipal grants to rural schools which shall be paid on account of such school.

56.—(1) Subsection 2 of section 49 of *The High Schools Act* is amended by striking out all the words therein after the word “physician” at the end of the fourth line, and inserting in lieu thereof the words “or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery but the period of four weeks may in any case of sickness be allowed, and extended, at the pleasure of the Board without a certificate.”

9 Edw. VII.,
c. 91, s. 49,
subs. 2,
amended.

(2) Subsection 4 of section 85 of *The Public Schools Act* is amended by striking out all the words therein after the word “physician” in the fourth and fifth lines, and inserting in lieu thereof the words “or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery, but the period of four weeks may, in any case of sickness, be allowed and extended at the pleasure of the Board without a certificate.”

9. Edw. VII.,
c. 89, s. 85,
subs. 4,
amended.

(3) *The High Schools Act* is amended by adding thereto the following section:

9 Edw. VII.,
c. 91,
amended.

44a (1) Subject to the regulations the Minister may establish an examination for entrance to the Middle School of the High Schools for those who have completed the course prescribed for the Lower School of the High Schools, and such examinations shall be known as “The Senior High School Entrance Examination.”

Examination
for
entrance in-
to middle
school of
high
schools.

(2) After the establishment of such examination the Entrance Examination provided for by section 44, shall be known as “The Junior High School Entrance Examination.”

(4) Clause (b) of subsection 1 of section 46 of *The High Schools Act* is amended by striking out the words “the inspectorate in which the high school is situate” in the second and third lines, and inserting in lieu thereof the words “an inspectorate in which a high school centre or attached county centre is situate.”

9 Edw. VII.,
c. 91, s. 46,
subs. 1, cl.
b.

9 Edw. VII.,
c. 94, s. 4,
subs. 3,
repealed.

57.—(1) Subsection 3 of section 4 of *The Boards of Education Act* is repealed and the following substituted therefor:

Submitting
question of
establish-
ment of
Board of
Education to
electors.

- (3) The Council shall, at the next succeeding municipal election, submit to a vote of the electors, the question: "Are you in favour of the formation of a Municipal Board of Education," and in case the question is answered in the affirmative by a majority of the electors voting thereon, the elective members of the Board shall be elected at the next ensuing municipal election, and the members to be appointed shall thereupon be appointed and the Board organized in accordance with the provisions of this Act.

S. 11, subs.
1 and 2,
repealed.

(2) Subsections 1 and 2 of section 11 of *The Boards of Education Act* are repealed and the following substituted therefor:

Minister to
determine
number of
inspectors.

- (1) The Minister shall, from time to time, determine the number of public school inspectors to be appointed by a municipal board in any city or separated town.

S. 21, subs.
1, cl. a.,
repealed.

58.—(1) The clause lettered (a) in subsection 1 of section 21 of *The Boards of Education Act* is repealed, and the following substituted therefor:

Modifying
school
courses,

- (a) Make such modifications of the school courses prescribed for the high, industrial, technical, and arts schools under its jurisdiction as it deems expedient.

Cl. c.,
amended.

- (2) The clause lettered (c) in the said subsection is amended by inserting after the word "technical" in the second line, the words "industrial, art."

9 Edw. VII.,
c. 92, s. 7,
amended.

59. Section 7 of *The Truancy Act* is amended by inserting therein the following subsection:

Appoint-
ment of
truant
officer in
unorganized
territory.

- (5a) The Board of School Trustees of a school section in territory without municipal organization may appoint a truant officer for the section.

10 Edw. VII.,
c. 99, s. 4
amended.
Selling or
disposing of
infected
fruit.

60. Section 4 of *The Fruit Pests Act* is amended by adding the following words:—

"Or sell or dispose of, or offer for sale any fruit infested with San Jose Scale, Yellows or Little Peach

Peach. Wherever such diseased fruit exists or is believed by the Provincial Inspector to exist he may make an examination and inspection and may order any fruit so infested, or such part as he may deem advisable, to be destroyed."

61. Clause (b) of section 5 of the said Act is amended ^{10 Edw. VII., c. 99,} by striking out the word "May" in the last line and substituting therefor the word "March," but this section shall not come into effect until 1st January, 1912.

62. Clause (c) of section 5 of the said Act is repealed and ^{cl. c., repealed.} the following clause substituted therefor:

"(c) Upon the report of the Inspector appointed by the ^{Carrying out orders of Inspector.} municipality to the Inspector appointed under section 3 of this Act, that there is disease upon the plants on any lot within the municipality, the latter Inspector shall direct the former Inspector to give notice personally or by registered letter to the owner or occupant of the lot to have the plants forthwith sprayed or to have them destroyed by burning, as may be determined by the Inspector appointed under section 3 of this Act; and in case this is not done within ten days after the notice has been given the Inspector appointed by the municipality may cause the spraying or destruction by burning to be done, and on notice being sent to the Clerk the cost of the work shall be charged on the lot and be collected as a special tax in addition to the other taxes imposed by the municipal council on the lot."

63. Section 16 of *The Supplementary Revenue Act, 1907*, as amended by section 4 of the Act passed in the 8th year of the Reign of His late Majesty King Edward VII., and chaptered 15, is amended by adding at the end thereof the following additional proviso:

Provided that there shall be no right to exemption under this subsection unless a claim for such exemption shall have been made and proof by affidavit or otherwise of the facts shall have been furnished to the Bureau of Mines not later than the 1st of March of the year in which the tax is payable, nor unless such claim for exemption shall have been approved in writing by the Mine Assessor; but in the year 1911 said claim and affidavit may be filed at any time prior to the 1st of September, 1911.

8 Edw. VII.,
c. 134, s. 2
amended.

64. Section 2 of the Act passed in the 8th year of the Reign of His late Majesty King Edward VII., and chaptered 134, is repealed and the following section substituted therefor:

Time for
completion
of
Ontario
Sault Ste.
Marie Ry.

2. Notwithstanding anything contained in the said Acts and in *The Ontario Railway Act, 1906*, the railway authorized by the said Acts shall be completed within three years from the passing of this Act, and if the railway is not completed and put in operation within six years from the 14th day of April, 1908, then the powers granted to the said Company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

9 Edw. VII.,
c. 69, s. 4,
clauses (a)
and (c)
amended.

65. Clauses *a* and *c* of section 4 of the Act passed in the 9th year of the Reign of His late Majesty King Edward VII., and chaptered 69, are both repealed and the following clauses respectively substituted therefor:

Lac Seul
Rat Portage,
and Keewatin Ry.

- (a) The work of constructing the Lac Seul, Rat Portage and Keewatin Line of Railway shall be commenced within four years from the 13th April, 1909, and completed within five years from the said date.

Central
Ontario
Ry.

- (c) The work of constructing the Central Ontario line of railway shall be completed within four years from the 13th April, 1909.

Town of
Smith's
Falls.

66. Subsection 2 of section 5 of *The Act respecting the Town of Smith's Falls*, passed at the present session, is amended by inserting after the word "street" in the 8th line of the said subsection, the words "or made private drain connections from any sewer existing or to be constructed to the line of the street on the side of the street on which such sidewalk is located," and the said amendment shall be incorporated in the said Act in the annual volume of the Statutes.

Village of
Killaloe
Station.

67. *The Act to incorporate the Village of Killaloe Station*, passed at the present session, is amended by striking out of the preamble the figures and words "4 and 5 in the 4th Concession of the Township of Hagarty, and lots numbers 4, 5 and 6" in the 5th and 6th lines thereof, and substituting therefor the figures and words "5 and 6 in the 4th Concession, and lots numbers 5, 6 and 7," and by striking out all the words after the word "say" in the 3rd line of section 2 and substituting therefor the following:

"lots

"lots numbers 5 and 6 in the 4th concession, and lots 5, 6 and 7 in the 5th concession of the said Township of Hagarty, amounting in all to about 500 acres, inclusive of all the allowances for roads within or between the said lands."

and the said amendments shall be incorporated in the said Act in the annual volume of the Statutes.

68. Notwithstanding anything contained in *The Agricultural Societies Act*, the society known as "The Cooksville Agricultural Society" is hereby declared to be an Agricultural Society, under the provisions of *The Agricultural Societies Act*, and to have all the rights and privileges of an Agricultural Society under the said Act. 10 Edw. VII., c. 19, Cooksville Agricultural Society.

69. Section 2 of the Act passed in the eighth year of the reign of His late Majesty, King Edward the Seventh, intitled an Act to amend *The Ontario Companies Act*, is amended by adding the following subsections: c. 43, s. 2 8 Edw. VII., amended.

(6) In addition to the securities in which under *The Trustee Act* a trustee may invest, a trust company may invest trust money in the debentures of any municipal corporation in the Province of Manitoba, Saskatchewan or Alberta, or in any other Province which may be named by the Lieutenant-Governor in Council. Powers of trust companies as to investment.

(7) Any money heretofore invested by a trust company in the debentures of any municipal corporation in any of the Provinces mentioned in subsection (6), or in the Province of British Columbia, shall be deemed to have been lawfully and properly invested, provided that such investments are in other respects reasonable and proper. Certain investments validated.

(8) The Supreme Court may enter into an agreement with any trust company for the investment of moneys paid into Court by parties or under any order or judgment, or under rules of Court on such terms and conditions as may be agreed on with such company. Investment of court funds.

70. Subsection 5 of section 14 of *The Dower Act* is repealed and the following substituted therefor: 9 Edw. VII., c. 39, s. 14 amended.

(5) Where the wife is an infant or a person of unsound mind, notice of the application shall be served on the Official Guardian, except where such person is a guardian or inspector of prisons. Notice to official guardian or inspector of prisons.

is confined in any Provincial Asylum for the Insane, in which case the notice shall be served only on the Inspector of Prisons and Public Charities.

10 Edw. VII.
c. 31, s.
71, subs. 5
amended.

71. Subsection 5 of section 71 of *The Surrogate Courts Act* is repealed, and the following substituted therefor:

Where
infant or
lunatic is
interested.

(5) Where an infant or a person of unsound mind is interested, such notice shall be served on the Official Guardian, except in the case of a person confined in a Provincial Asylum for the Insane, when such notice shall be served on the Inspector of Prisons and Public Charities.

Protection
of persons
employed
in construc-
tion of
buildings.

72. Section 13 of *The Act for the Protection of Persons employed in the Construction of Buildings*, passed at the present session is amended by striking out the words "dwelling house" in the 2nd line and substituting therefor the word "building," and by striking out the word "nor" in the 3rd line, and substituting therefor the words "nor to any farm building nor"; and the said amendments shall be incorporated in the said section in the annual volume of the Statutes.

7 Edw. VII.,
c. 34, s. 185
amended.

73. Section 185 of *The Ontario Companies Act* is repealed and the following section substituted therefor:

Liquidation.

185.—(1) The provisions of section 55 of *The Trustee Act* shall apply *mutatis mutandis* to liquidators.

Distribu-
tion of
assets by
liquidator.

(2) In case the liquidator gives notice in writing referring to this section and of his intention to avail himself thereof to any person of whose claim against the Corporation he has notice, or to the attorney or agent of such person that he rejects or disputes the claim, it shall be the duty of the claimant to commence an action in respect of the claim within one month after the notice is given or within such further time as the Court or a Judge may allow, and in default the claim shall be forever barred, and the liquidator shall in such case be entitled to treat the said claim as one of which he has received no notice. Upon receiving such notice from the liquidator the claimant may notwithstanding anything to the contrary herein contained, commence his action against the said Company to establish the claim. If the claim has not matured on the date of receiving such notice an action to establish the

validity of such claim shall be commenced within ^{10 Edw. VII.}
the time in this section limited or the said claim ^{c. 19,}
^{s. 40 (1)}
shall be deemed to be forever barred. ^{amended.}

74. Subsection 1 of section 40 of *The Agricultural Societies Act* is amended by striking out the figures “\$3,000” in the twelfth line and inserting in place thereof the figures “\$5,000.”

CHAPTER 18.

An Act to amend The Surrogate Courts Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 Edw. VII., c. 31, s. 8, ss. (1), repealed. **1.** Subsection 1 of section 8 of *The Surrogate Courts Act*, is repealed and the following substituted therefor:—

Provision for illness or absence of judge.

(1) In case of the illness or absence or at the request in writing of the Judge of the Surrogate Court of any county or district, any Judge who has authority to preside over the county or district court of the county or district, or, in the case of a county or district for which there is only one Judge, any barrister of 10 years' standing, on the request in writing of the Judge of the Surrogate Court or of the Attorney-General of Ontario, may act as Judge of the Surrogate Court.

10 Edw. VII., c. 31, s. 34 amended. **2.** Section 34 of *The Surrogate Courts Act* is amended by adding the following subsections:

Appeal from audit of accounts.

(5) An appeal shall also lie from any order, decision or determination of the Judge of a Surrogate Court on the taking of accounts in like manner as from the report of a Master under a reference directed by the High Court, and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from such a report.

(6) Subsections 2 and 3 shall not apply to the appeal provided for by subsection 5.

s. 69 repealed.

3. Section 69 of the said Act is hereby repealed and the following substituted therefor:

Notice contesting claims made.

69.—(1) Where a claim or demand is made against the estate of a deceased person which, in the opinion

ion of his personal representative, is unjust, in whole or in part, or where such personal representative has notice of such a claim or demand, he may, at any time before payment serve the claimant with a notice in writing that he contests the same in whole or in part, and, if in part, stating what part and also referring to this section.

- (2) Subject to the provisions of subsection 3, the claimant may thereupon apply to the Judge of the Surrogate Court out of which the probate or letters of administration of the estate issued for an order allowing his claim and determining the amount of it, and the judge shall hear the parties and their witnesses and shall make such order upon the application as he may deem just, and if he does not make such application within thirty days after receiving the notice or within such further time as the Judge either before or after the expiration of the thirty days may allow, he shall be deemed to have abandoned his claim and the same shall be forever barred. Application for order allowing claim.
- (3) Where the claim amounts to not more than \$100 and is otherwise within the jurisdiction of the Division Court the application shall be made to a Judge of a Division Court in which an action for the recovery of the claim might be brought, and shall be heard by the Judge at the sittings of such Court unless the claimant and the personal representative consent to the application being made to the Judge of the Surrogate Court and in that case the application may be made to him. Claim within jurisdiction of Division Court.
- (4) Not less than seven days notice of the application shall be given to the personal representative, and where the application is to be made to the Surrogate Court Judge, shall also be given to the Official Guardian if infants are concerned, and to such, if any, of the persons beneficially interested in the estate as the Judge may direct. Notice in such case.
- (5) Where the application is made to the Judge of the Surrogate Court, in addition to the persons to whom notice has been given any other person who is interested in the estate shall have the right to be heard and to take part in the proceedings. Right of persons interested to be heard.
- (6) If the amount of the claim or the part of it which is contested exceeds \$200, an order of the Judge shall Appeal from surrogate judge

shall be subject to appeal as provided by subsection 5 of section 34, and the order, unless reversed on appeal and as varied if varied on appeal, when filed in the County Court of the county shall, irrespective of the amount of the claim, become and may be enforced in like manner as a judgment of that Court.

Action may be decided to be brought if claim is \$800 or more.

- (7) Where the claim or the part of it which is contested amounts to \$800 or more, instead of proceeding as provided by this section, the Judge shall, on the application of either party, or of any of the parties mentioned in subsection 5, direct the creditor to bring an action in the High Court for the recovery or the establishment of his claim on such terms and conditions as the Judge may deem just.

Effect of order of division court judge.

- (8) The order of the Judge of a Division Court shall have the effect of, and may be enforced in like manner as a judgment of that Court.

Costs when claims within division court jurisdiction.

- (9) Where the claim amounts to not more than \$100 and is otherwise within the jurisdiction of the Division Court, the fees and costs shall be according to the tariff of that Court, and in other cases the fees payable to the Judge of the Surrogate Court and to the Registrar shall be the same as are allowed on an audit in an estate of a value equal to the amount of the claim or so much thereof as is contested.

Right of persons interested in appeal.

- (10) Where an appeal lies as provided by subsection 6, if the personal representative does not appeal from the order, the Official Guardian or any person beneficially interested in the estate may by leave of a Judge of the High Court appeal therefrom.

Right of person interested to be heard on appeal.

- (11) Where the personal representative appeals, the Official Guardian and any person beneficially interested in the estate may by leave of the Court which hears the appeal appear and be heard in support thereof.

Claims not payable.

- (12) The provisions of this section shall apply notwithstanding that the claim or demand is not presently payable and that for that reason an action for the recovery of it could not be brought and in such a case the order of the Judge shall not be enforceable by execution until the claim or demand becomes payable.

CHAPTER 19.

An Act respecting Accidental Fires.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Accidental Fires Act*. Short title.
New.

2. No action shall be brought against any person in whose house or building or on whose land any fire shall accidentally begin, nor shall any recompense be made by him for any damage suffered thereby; provided that no contract or agreement made between landlord and tenant shall be hereby defeated or made void.

No action to
lie against
person from
whose prem-
ises fire is
accidentally
communi-
cated.

Imp. Act,
14 Geo. III.,
c. 78, s. 36.

3. Section 41 of the Act passed in the seventh year of the reign of His late Majesty, King Edward the Seventh, chapter 23, is repealed.

7 Edw. VII.,
c. 23, s. 41,
repealed.

CHAPTER 20.

An Act to amend The Lunacy Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of provisions of 9 Edw. VII., c. 37, as to certain persons not declared lunatics.

Imp. Act 53 and 54 Vict., c. 5, s. 116 (1 d.)

Section 1 to apply persons not lunatics.

Powers of committee, how exercised and by whom.

Imp. Act 54 and 55 Vict., c. 65, s. 27 (4).

Person appointed to be subject to jurisdiction of court.

Application of 9 Edw. VII., c. 37, s. 12.

1. The powers and provisions of *The Lunacy Act*, relating to management and administration, shall apply to every person not declared to be a lunatic with regard to whom it is proved, to the satisfaction of the Court, that he is, through mental infirmity, arising from disease, age, or other cause, or by reason of habitual drunkenness or the use of drugs, incapable of managing his affairs.

2. The provisions of section 1 shall apply although the person is not a lunatic.

3. Such of the powers of *The Lunacy Act*, as are made exercisable by the committee of the estate under order of the Court shall be exercised in the cases provided for by section 1, by such person, in such manner and with or without security, as the Court may direct, and any such order may confer upon the person therein named authority to do any specified act or exercise any specified power, or may confer a general authority to exercise on behalf of the person to whom the order relates until further order, all or any such powers without further application to the Court.

4. Every person appointed to do any such act or exercise any such power shall be subject to the jurisdiction and authority of the Court as if such person were the committee of the estate of a lunatic so declared.

5. Section 12 of *The Lunacy Act* shall apply to the cases provided for by section 1, and the person in respect of whom the order is made, and any person aggrieved or affected by the order shall have the like right to appeal therefrom as is provided for by section 6 of that Act.

CHAPTER 21.

An Act respecting The Apportionment of
Periodical Payments.*Assented to 24th March, 1911.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Apportionment Act*. Short title.
2. In this Act, Interpreta-
tion.
 - (a) "Annuities" shall include salaries and pensions. "Annuities."
 - (b) "Dividends" shall include all payments made by "Dividends."
the name of dividend, bonus or otherwise out of
revenues of trading or other public companies
divisible between all or any of the members,
whether such payments are usually made or
declared at any fixed times or otherwise, but shall
not include payments in the nature of a return or
re-imburement of capital, and,
 - (c) "Rent" shall include rent service, rent charge and "Rent."
rent seck and all periodical payments or ren-
derings in lieu or in the nature of rent. R.S.O.,
1897, c. 170, s. 2, *part*.
3. Dividends shall for the purposes of this Act be deemed Dividends,
how deemed
to accrue.
to have accrued by equal daily increment during and within
the period for or in respect of which the payment of the same
is declared or expressed to be made. R.S.O., 1897, c. 170,
s. 2, *part*.
4. All rents, annuities, dividends, and other periodical Rents, etc.,
how to
accrue and
be appor-
tionable.
payments in the nature of income, whether reserved or made
payable under an instrument in writing or otherwise, shall,
like interest on money lent, be considered as accruing from
day to day, and shall be apportionable in respect of time Imp. Act
33-34 V. c.
35, s. 2.
accordingly. R.S.O., 1897, c. 170, s. 4.

When apportioned, part of rent, etc., to be payable.

Imp. Act 33-34 V. c. 35, s. 3.

Recovering apportioned parts.

Imp. Act 33-34 V., c. 35, s. 4.

Proviso as to rents reserved in certain cases.

Policies of assurance. Imp. Act 33-34 V. c. 35, s. 6. Stipulation against apportionment. Ibid. s. 7.

5. The apportioned part of any such rent, annuity, dividend or other periodical payment shall be payable or recoverable in the case of a continuing rent, annuity, dividend or other such payment when the entire portion, of which such apportioned part forms part, becomes due and payable, and not before; and in the case of a rent, annuity or other such payment determined by re-entry, death or otherwise, when the next entire portion of the same would have been payable if the same had not so determined and not before. R.S.O., 1897, c. 170, s. 5.

6.—(1) All persons and their respective heirs, executors, administrators and assigns, and also the executors, administrators and assigns, respectively, of persons whose interests determine with their own deaths, shall have such or the same remedies for recovering such apportioned parts when payable; allowing proportionate parts of all just allowances, as they respectively would have had for recovering such entire portions, if entitled thereto.

(2) The persons liable to pay rents reserved out of or charged on lands or other hereditaments, and the same lands or other hereditaments shall not be resorted to for any such apportioned part forming part of the entire or continuing rent specifically, but the entire or continuing rent, including such apportioned part, shall be recovered and received by the heir or other person, who, if the rent had not been apportionable under this Act, or otherwise, would have been entitled to such entire or continuing rent, and such apportioned part shall be recoverable by action from such heir or other person by the executors or other persons entitled under this Act to the same. R.S.O., 1897, c. 170, s. 6.

7. Nothing in the preceding provisions shall render apportionable any annual sums made payable in policies of assurance of any description, or extend to any case in which it is expressly stipulated that no apportionment shall take place. R.S.O., 1897, c. 170, ss. 7, 8.

CHAPTER 22.

An Act to protect Public Authorities from
Vexatious Actions.*Assented to 24th March, 1911.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

ACTIONS AGAINST JUSTICES OF THE
PEACE, ss. 3-11.

Where action shall lie, s. 3.

Where allegation of malice
and want of probable cause
is required, s. 4 (1).Provision for case of conviction
made by one justice,
and warrant granted by
another, s. 4 (2).No action till conviction or
order quashed, s. 4 (3).No action where summons previously
served and disobeyed, s. 4 (4).No action where justice acts
under order of High Court,
County or District Court
Judge, s. 5.No action where conviction
subsequently affirmed on appeal,
s. 6.Protection not forfeited
through informality, where
justice acted in good faith,
s. 7.Condition on quashing conviction,
s. 8.Power of judge to set aside
proceedings, s. 9.Nominal damages only in certain
cases, s. 10.No action for certain mistakes
as to jurisdiction, s. 11.ACTIONS AGAINST CONSTABLES, s.
12.ACTIONS AGAINST PUBLIC AUTHORITIES,
ss. 13-15.When action to be brought, s.
13 (1).

Scale of costs, s. 13 (2).

Where no proper opportunity
of tender afforded, s. 13 (3).Sheriff executing process, s. 13
(4).Persons acting under mandamus,
s. 14.Persons acting under *ultra vires*
statutes, s. 15.

SECURITY FOR COSTS, s. 16.

In action against magistrates,
or for acts done in execution
of public duty, s. 16 (1).Procedure upon application, s.
16 (2).

APPLICATION OF ACT, s. 17.

REPEAL, s. 18.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Public Authorities Protection Act*. *New.*

2. In this Act "Justice of the Peace" shall include a Police Magistrate, a person who is ex officio a justice of the peace, and a person who has by law the powers of a justice of the peace, either generally or with regard to any particular matter. *New.*

ACTIONS

ACTIONS AGAINST JUSTICES OF THE PEACE.

A Justice of the Peace not liable unless he acted maliciously and without reasonable and probable cause.

3. No action shall lie or be instituted against a justice of the peace for any act done by him in the execution of his duty as such justice with respect to any matter within his jurisdiction as such justice unless the act was done maliciously and without reasonable and probable cause. R.S.O. 1897, c. 88, s. 1. *Amended.*

Where an action may be maintained without showing malice, etc.

4.—(1) For any act done by a justice of the peace in a matter in which by law he has not jurisdiction, or in which he has exceeded his jurisdiction, or for any act done under a conviction or order made or a warrant issued by him in such matter, any person injured thereby may maintain an action against the justice in the same case as he might have heretofore done, and it shall not be necessary to allege or prove that the act was done maliciously and without reasonable and probable cause. R.S.O. 1897, cap. 88, s. 2.

If one Justice makes a conviction, etc., and another grants a warrant, action must be against the former.

(2) Where a conviction or order has been made by a justice of the peace, and a warrant of distress or of commitment has been issued thereon by some other justice of the peace, *bona fide* and without collusion, no action shall be brought against the justice who issued the warrant by reason of any defect in the conviction or order, or for any want of jurisdiction in the justice who made the same, but the action, if any, shall be brought against the justice who made the conviction or order. R.S.O. 1897, c. 88, s. 3.

No action for anything done under a conviction or order until the same is quashed.

(3) No such action as is mentioned in this section shall be brought for anything done under a conviction or order or under a warrant issued by a justice of the peace to procure the appearance of the party, which has been followed by a conviction or order in the same matter, until the conviction or order has been quashed. R.S.O. 1897, c. 88, s. 4.

No action for anything done under a warrant to compel appearance, if a summons previously served and not obeyed.

(4) Where such warrant has not been followed by a conviction or order, or is a warrant upon an information for an indictable offence, if a summons was issued previously to the warrant, and the summons was served upon such party, either personally or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of the summons, no such action shall be maintained against the justice for anything done under the warrant. R.S.O. 1897, c. 88, s. 5.

If a Justice refuses to do any act, the High Court or the County Judge may

5. Where a justice of the peace refuses to do any act relating to the duties of his office as such justice, the person requiring the act to be done may, upon affidavit stating the facts, and upon six day's notice to the justice, and also to the

party

party to be affected by the act, apply to the High Court, or a judge thereof, or to the judge of the County or District Court of the county or district in which the justice resides, for an order directing the act to be done; and the court or judge may make such order upon such terms as to costs as may be deemed proper, and the justice, upon being served with the order, shall obey the same, and shall do the act required; and no action or proceeding shall be commenced or prosecuted against him for having obeyed the order and done the act required. R.S.O. 1897, c. 88, s. 6.

6. Where a justice of the peace has issued a warrant of distress or a warrant of commitment upon a conviction or order which, either before or after the issuing of the warrant has been confirmed upon appeal, no action shall be brought against the justice by reason of any defect in the conviction or order for anything done under the warrant. R.S.O. 1897, c. 88, s. 7.

7. (1) No defect in an information taken before or in a warrant issued by a justice of the peace, shall prevent him from claiming the benefit and protection of this Act if the court is of opinion that he acted in good faith, and that the informant or complainant intended, by the facts stated to the justice, to charge the commission of an offence which, if the same had been set forth in proper form in the information or warrant, would have been one within the jurisdiction of the justice; and in such case the informant or complainant shall be liable, as if the information had charged in proper form the commission of the offence so intended to be charged. R.S.O. 1897, c. 88, s. 9.

(2) A person who has in good faith intended to charge another person, who has been arrested by the direction of the person so charging the offence, under a warrant issued by a justice of the peace, with the commission of the offence, shall not be liable to be sued, in consequence only of the information sworn before a justice of the peace, or the warrant issued by him not containing a proper description of the offence. R.S.O. 1897, c. 88, s. 10.

8. Where an order is made quashing a summary conviction the court may provide that no action shall be brought against the justice of the peace who made the conviction. R.S.O. 1897, c. 88, s. 11.

9. If an action is brought where by this Act it is enacted that no action shall be brought under the particular circumstances, a judge of the court in which the action is pending may set aside the proceedings in the action. R.S.O. 1897, c. 88, s. 12.

Damages nominal in certain cases. Imp. Act, 11 & 12, V. c. 44, s. 13.

10. Where the plaintiff is entitled to recover, and he proves the levying or payment of any penalty or sum of money under any conviction or order as part of the damages he seeks to recover, or if he proves that he was imprisoned under the conviction or order, and seeks to recover damages for the imprisonment, he shall not be entitled to recover the amount of the penalty or sum so levied or paid, or any sum beyond the sum of three cents as damages for the imprisonment, or any costs of suit, if it is proved that he was actually guilty of the offence of which he was so convicted, or that he was liable by law to pay the sum he was so ordered to pay, and with respect to the imprisonment that he has undergone no greater punishment than that assigned by law for the offence of which he was so convicted, or for non-payment of the sum he was so ordered to pay. R.S.O. 1897, c. 88, s. 20. *Amended.*

Action not to lie against Police Magistrates, etc., for certain mistakes in jurisdiction.

11.—(1) No action shall lie against a police magistrate for or by reason of any process issued, or conviction made by, or any proceeding taken before him alone, or authorized by him, in good faith, in any case which was not cognizable by such police magistrate, or not by him sitting alone, or which should have been heard by two justices of the peace, or by the mayor of a city or town within the district, county, or part of a district or county, for which the police magistrate was appointed.

(2) This section shall not prevent an action from being maintained where and so far as the action would be maintainable against the mayor or justices of the peace if the process had been issued or conviction made by, or proceeding taken before, or authority given by him or them, in a matter in which he or they had jurisdiction.

(3) No action shall lie against a constable or peace officer for anything done by him under and by virtue of process issued or authority given, as in subsection 1 mentioned, unless the action would be maintainable if the process had been issued or authority given by a person or persons legally qualified to issue the process or give the authority. R.S.O. 1897, c. 88, s. 24.

ACTION AGAINST CONSTABLE—DEMAND OF PERUSAL AND COPY OF WARRANT.

Action not to be brought against a constable acting under a justice's warrant until

12.—(1) No action shall be brought against a constable or other officer or against any person acting by his order and in his aid for anything done in obedience to a warrant issued by a justice of the peace until demand has been made or left at his usual place of abode by the person intending to

bring

bring such action or by his solicitor or agent in writing demand of signed by the person demanding the same, of the perusal and perusal and copy of the copy of such warrant and the same has been refused and warrant refused. neglected for six days after such demand. 24 Geo. II., c. 44, s. 6.

(2) If, after such demand and compliance therewith by showing the warrant to and permitting a copy thereof to be taken by the person demanding the same, an action is brought against such constable or officer or such person so acting for any such cause without making the justice who issued the warrant a defendant, on producing and proving the warrant at the trial of the action judgment shall be given for the defendant notwithstanding any defect of jurisdiction in such justice.

(3) If the action is brought jointly against such justice and such constable or other officer or person so acting on proof of such warrant judgment shall be given for such constable or other officer and for such person so acting notwithstanding such defect in jurisdiction.

(4) If the judgment is given against the justice the plaintiff shall recover costs against him, including such costs as the plaintiff is liable to pay to such defendant for whom judgment is given. R.S.O. 1897, c. 326.

ACTIONS AGAINST PUBLIC AUTHORITIES.

13.—(1) No action, prosecution or other proceeding shall lie or be instituted against any person for an act done in pursuance or execution or intended execution of any statute or of any public duty or authority or in respect of any alleged neglect or default in the execution of any such statute, duty or authority, unless it is commenced within six months next after the act, neglect or default complained of, or, in case of continuance of injury or damage, within six months after the ceasing thereof. An action against a person for any act done under public authority to be begun within six months. Imp. Act. 56 & 57 Vict. c. 61, s. 1.

(2) Where in any such action costs are awarded to the defendant the court may direct that they be taxed as between solicitor and client.

(3) If in the opinion of the court the plaintiff has not given the defendant a sufficient opportunity of tendering amends before the commencement of the proceeding the court may award to the defendant costs to be taxed as between solicitor and client. Imp. Act. 56 and 57 V., c. 61, s. 1. *Amended.*

(4)

(4) A sheriff, acting under a writ of execution or other process, shall be deemed to be a person acting in the discharge of a public duty or authority within the meaning of this section. 62 V. (2), c. 7, s. 3.

Persons obeying writ of mandamus protected.

14. No action or other proceeding shall be commenced or prosecuted against any person, for or by reason of anything done in obedience to a *mandamus* or mandatory order. R.S.O. 1897, c. 88, s. 23.

Protection to those acting under ultra vires statutes.

16.—(1) Where an action is brought against a justice of the peace, or officer for any thing done by him under the supposed authority of a statute of Ontario or of the Dominion of Canada, which was beyond the legislative jurisdiction of the Legislature of Ontario or of the Parliament of Canada, as the case may be, if the action would not lie against him, had the statute been within the legislative jurisdiction of the Legislature or Parliament, which assumed to enact the same.

Cases wherein above does not prevent action.

(2) The application shall be upon notice and an affidavit of the defendant or his agent, showing the nature of the action and of the defence, and showing to the satisfaction of the court or judge that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a judgment should be given in favour of the defendant, and that the defendant has a good defence upon the merits, or that the grounds of action are trivial or frivolous; and thereupon the court or judge may make an order that the plaintiff shall give security for the costs to be incurred in such action. R.S.O. 1897, c. 88, s. 8.

SECURITY FOR COSTS.

Applications for security for costs in actions against Magistrates.

16.—(1) Where an action is brought against a justice of the peace or against any person for any act done in pursuance of a public duty or authority, or in respect of any alleged neglect or default in the execution of any such statute, duty or authority, the defendant may at any time after the service of the writ, apply for security for costs. R.S.O. 1897, c. 89, s. 1. *Amended.*

Procedure upon application.

(2) The application shall be upon notice and an affidavit of the defendant or his agent, showing the nature of the action and of the defence, and showing to the satisfaction of the court or judge that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a judgment should be given in favour of the defendant, and that the defendant has a good defence upon the merits, or that the grounds of action are trivial or frivolous; and thereupon the court or judge may make an order that the plaintiff shall give security for the costs to be incurred in such action. R.S.O. 1897, c. 89, s. 2.

APPLICATION OF ACT.

17. This act shall not apply to a municipal corporation. ^{Application}
New. ^{of act.}

REPEAL.

18. Chapters 88, 89 and 326 of the Revised Statutes of ^{Repeal.}
Ontario, 1897, and section 3 of chapter 7 of the Acts
passed in the second session held in the 62nd year of the
reign of Her late Majesty Queen Victoria, and section 10
of chapter 12 of the Acts passed in the 1st year of the reign
of His late Majesty King Edward VII. are repealed.

CHAPTER 23.

An Act respecting Coroners and Coroners' Inquests.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.

PART I.

APPOINTMENT OF CORONERS GENERALLY, s. 3.
SPECIAL PROVISION FOR TORONTO, s. 4.
Appointment of Chief Coroner, s. 4 (1).
Associate Coroners, (2).
Provision for County of York, (3).
Salary of Chief Coroner, (4).
Notice of appointment, s. 5.

PART II.

DISQUALIFICATION OF CORONER, s. 6.
DUTY OF CORONER ON INFORMATION OF DEATH, ss. 7-10.
When coroner to hold enquiry, s. 7.
When inquest to be held, s. 8.
Warrant for burial, s. 9.
Fees of coroner, where no inquest held, s. 10.
WHEN INQUEST COMPULSORY, ss. 11-13.
Accidents on railways, s. 11.
Death in house of refuge, etc., s. 12.
Death of prisoner, s. 13.
POWERS AND DUTIES OF CROWN ATTORNEY, OR COUNSEL FOR ATTORNEY-GENERAL, s. 14.

MEDICAL WITNESSES AND POST-MORTEM, ss. 15, 16.
Ordering post-mortem, s. 15.
Calling medical attendant of deceased, s. 16.
JURY, ss. 17-21.
PAYMENT OF EXPENSES, ss. 22, 23.
ANNUAL RETURNS, s. 24.
FEES OF CORONERS, s. 25.

PART III.

INVESTIGATION OF FIRES, ss. 26-31.
Material on which coroner to act, s. 26.
Fees of coroner, s. 27.
Payment of expenses, ss. 28, 29.
Who to be parties, s. 30.
Disqualifications, s. 31.

PART IV.

PROVINCIAL CORONERS, s. 32.

PART V.

GENERAL PROVISIONS, ss. 33-41.
Application of Part V., s. 33.
Witnesses and evidence, ss. 34, 35.
Interpreters, s. 36.
Penalty on juror for non-attendance, s. 37.
Recovery of fines, s. 38.
Return of inquisition, s. 39.
Court room for inquest, s. 40.
Forms, s. 41.
Repeal, s. 42.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Coroners Act*. (New.)

Interpretation
"Coroner." 2. In this Act, "Coroner" shall include Associate Coroner.

PART

PART I.

APPOINTMENT OF CORONERS

GENERALLY.

3. (1) The Lieutenant-Governor in Council may appoint one or more Coroners for the whole or any part of every county, city, town, provisional judicial district and provisional county. See R.S.O., 1897, c. 97, s. 1 (1).

Appointment of Coroners generally.

(2) This section shall not apply to the City of Toronto. (New.)

Not to apply in Toronto.

SPECIAL PROVISION AS TO THE CITY OF TORONTO.

4.—(1) The Lieutenant-Governor in Council may appoint a Coroner, to be called the Chief Coroner, and such number of Associate Coroners as may be deemed proper, for the City of Toronto.

Appointment for Toronto.

(2) An Associate Coroner, subject to such regulations as the Lieutenant-Governor in Council may prescribe, shall perform all the duties and exercise all the powers of a Coroner.

Associate coroners in Toronto.

(3) Except the Chief Coroner, every Coroner and Associate Coroner, appointed for the County of York, including the City of Toronto, shall have, exercise and perform within the City of Toronto only such powers and duties as are assigned by the regulations to an Associate Coroner.

Coroners and associate coroners for York to be associate coroners for Toronto

(4) The Chief Coroner shall be paid in lieu of all fees by the Corporation of the City half-yearly, such salary not exceeding \$1,500 per annum, as may be fixed by the Lieutenant-Governor in Council, and the Corporation shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-half such salary. (See 3 Edw.VII., c. 7, s. 22, *part*.)

Salary of coroner for Toronto.

NOTICE OF APPOINTMENT.

5. A copy of the Order in Council appointing a Coroner shall be sent to the Clerk of the Peace of the County or District in which the Coroner is to act, and shall be filed by him in his office. (See *The Coroners Act, 1887 (Imp.)*, c. 71, s. 12 (3).)

Appointment to be filed.

PART II.

INQUEST ON DEATH.

DISQUALIFICATION OF CORONER.

Coroner not to act in certain cases where interested.

6. A Coroner shall not conduct an inquest upon the body of any person whose death has been caused at or on a railway, mine or other work, whereof he is the owner or part owner, or which is owned or operated by a company in which he is a shareholder, or in respect of which he is employed as medical attendant or in any other capacity by the owner thereof, or under any agreement or understanding direct or indirect, with the employees at or on such work. R.S.O., 1897, c. 97, s. 7.

DUTY OF CORONER ON INFORMATION OF DEATH.

When coroner to inquire as to cause of death.

7.—(1) Where a Coroner is informed that there is within his jurisdiction the body of a deceased person, and that there is reason to believe that the deceased died from violence or by unfair means, or in consequence of culpable or negligent conduct of others, or under such circumstances as require investigation, he shall issue his warrant to take possession of the body, Form 1, and shall view the body and make such further enquiry as may be required to satisfy himself whether or not an inquest is necessary. (See R.S.O., c. 97, s. 2.)

No other coroner to interfere.

(2) After the issue of such warrant, no other Coroner shall issue a warrant or interfere in the case except under the instructions of the Attorney-General or the Crown Attorney. *New.*

When coroner deems inquest necessary.

8. If, after making such enquiry, the Coroner deems it necessary that an inquest should be held, he shall issue his warrant, Form 2, for the holding of an inquest, and shall forthwith transmit to the Crown Attorney a statutory declaration, Form 3, setting forth briefly the result of such enquiry, and the grounds upon which he deems it necessary that an inquest should be held. (See R.S.O., c. 97, s. 6 (1).)

Warrant for burial where coroner deems inquest unnecessary.

9. If, after viewing the body and making such enquiry, the Coroner deems an inquest unnecessary, he shall issue his warrant, Form 4, to bury the body, and shall forthwith transmit to the Crown Attorney a statutory declaration, Form 5, setting forth briefly the result of such enquiry and the grounds on which the warrant has been issued. (See R.S.O., c. 97, s. 6 (1).)

(2) Notwithstanding such declaration, the Attorney-General or the Crown Attorney may direct the Coroner making the same, or some other Coroner having jurisdiction, to hold an inquest upon the body, and the Coroner to whom such direction is given shall forthwith issue his warrant for an inquest and hold the same accordingly. *New.*

10. If the Coroner declares an inquest to be unnecessary and an inquest is not held by him, he shall be entitled for his services to a fee of five dollars and mileage at the rate of 20 cents per mile for every mile necessarily travelled by him, and such fee and mileage shall be paid in the same manner and upon the same conditions as the fees of a Coroner in a case in which an inquest is held. (See R.S.O., c. 97, s. 6 (3).)

WHEN INQUEST COMPULSORY.

11. Where the death of any person appears to have been caused in the construction or operation of any railway, street railway or electric railway, the Crown Attorney, subject to the provisions of section 6, shall direct a Coroner having jurisdiction in the locality to hold an inquest upon the body of the person so dying, and the Coroner shall issue his warrant and hold an inquest accordingly. (See 3 Edw. VII., c. 7, s. 22, *part.*)

12.—(1) Where an inmate of a house of refuge or house of industry dies, the superintendent, or other officer in charge, shall immediately give notice of such death to the Crown Attorney.

(2) On receipt of such notice the Crown Attorney shall enquire into the facts, and if, as a result of such enquiry, he is of opinion that such death took place under circumstances requiring an investigation, he shall direct a Coroner having jurisdiction to hold an inquest upon the body of the deceased person, and the Coroner shall issue his warrant, Form 2, and hold an inquest accordingly. (See R.S.O., 1897, c. 97, s. 3.)

13. Where a prisoner in a gaol, prison, house of correction, reformatory or lock-up dies, the warden, gaoler, keeper or superintendent thereof shall immediately give notice of such death to a Coroner having jurisdiction in the county, city or town in which such death takes place, and the Coroner shall issue his warrant, Form 2, and hold an inquest upon the body. (See R.S.O., 1897, c. 97, s. 3.)

POWERS AND DUTIES OF CROWN ATTORNEY OR COUNSEL FOR
ATTORNEY-GENERAL.

Notice to be given to Crown Attorney. **14.**—(1) Every Coroner, before holding an inquest, shall notify the Crown Attorney of the time and place of holding the same, and the Crown Attorney may, and if directed by the Attorney-General shall, attend the inquest, and may examine or cross-examine the witnesses thereat, and the Coroner shall summon such witnesses as the Crown Attorney directs. R.S.O., 1897, c. 97, s. 5.

Special Counsel for Attorney-General. (2) The Attorney-General may be represented by Counsel at any inquest, and such Counsel shall have the same powers as the Crown Attorney has under subsection 1. (*New.*)

MEDICAL WITNESSES AND POST-MORTEM.

Ordering post mortem. **15.**—(1) The Coroner may at any time before the termination of the inquest, by his warrant, Form 6, direct a *post mortem* examination to be made by a medical practitioner with or without an analysis of the contents of the stomach and intestines.

When consent of Crown Attorney to post mortem required. (2) A *post mortem* examination shall not be made without the consent in writing of the Crown Attorney unless an inquest is actually held. (See R.S.O., 1897, c. 97, s. 12.)

Report of post mortem. (3) Every medical practitioner making a *post mortem* examination shall make a report thereon in writing upon a form approved by the Lieutenant-Governor in Council, which shall be supplied by the Coroner. *New.*

Fees not to be paid unless report made. (4) No fees shall be paid to a medical practitioner for a *post mortem* examination unless such report is made and contains the particulars required by the form or satisfactorily accounts for their absence. *New.*

Calling medical attendant of deceased. **16.**—(1) The Coroner may issue his warrant, Form 6, for the attendance before him or at the inquest of the legally qualified medical practitioner, if any, who attended the deceased at his death, or during his last illness, or of any other legally qualified medical practitioner in or near the place where the death occurred, but he shall not without the consent of the Crown Attorney order the attendance of more than one medical practitioner. (See R.S.O., c. 97, ss. 11, 12; *The Coroners Act (Imp.)*, c. 71, s. 21 (1).)

(2) A legally qualified medical practitioner shall be entitled for each attendance in obedience to any such order to \$5 and mileage at the rate of twenty cents per mile for every mile necessarily travelled, and for a *post mortem* examination without an analysis of the contents of the stomach or intestines he shall be entitled to a fee of \$15, and if with such analysis to an additional fee of \$25.

Fees of medical witness.
When *post mortem* is held.

(3) The number of miles so travelled shall be proved by the statutory declaration of the medical practitioner. (See R.S.O., 1897, c. 97, s. 14.)

Proving mileage.

JURY.

17.—(1) The number of jurymen to be summoned to serve on an inquest shall be not less than seven nor more than twelve.

Number of jurors to be summoned.

(2) An inquisition may be found by a majority being not less than seven in number of the jurors sworn. *New.*

And to find inquisition.

18. Where an inquest is held in a Provisional Judicial District the Coroner may, with the consent of the Crown Attorney, hold the inquest without a jury. *New.*

Jury may be dispensed with in Districts.

19. A person shall not be qualified to serve as a juror unless he is named in the voters' list of the municipality and marked therein as qualified to serve as a juror. (See R.S.O., 1897, c. 97, s. 8.)

Qualification of jurors.

20. An officer, employee or inmate of a house of refuge, house of industry, hospital, asylum, or charitable institution, gaol, prison, house of correction, reformatory or lock-up, shall not be qualified to serve as a juror at an inquest upon the body of any person whose death occurred therein. (*New.*)

Disqualification.

21.—(1) Every juror serving at an inquest shall be entitled to \$1 for every day upon which such inquest is held and is continued for not more than four hours, and where the time occupied by an inquest on any day exceeds four hours, one dollar in addition for each such day and mileage at the rate of ten cents per mile for each mile necessarily travelled from his place of residence to the place where the inquest is held. (See R.S.O., 1897, c. 97, s. 16 (1). *Amended.*)

Fees of jurors.

(2) Subject to the provisions of section 23, the amount to be paid to jurors shall be certified by the Coroner, who shall make his order for payment thereof. R.S.O., 1897, c. 97, s. 18 (2), *part.*

Order of coroner for payment.

PAYMENT OF EXPENSES.

Expenses of
inquest.

22. The Coroner shall give to every person entitled to fees, mileage or other expenses in connection with an inquest, an order on the treasurer of the county, or of the city or separated town in which an inquest is held, or in the case of an inquest in a Provisional Judicial District upon the treasurer of the district, for the payment thereof, and upon presentation of the order the treasurer shall pay the amount named therein. (*New.*)

EXPENSES OF INQUEST WHEN CAUSE OF DEATH TAKES PLACE OUTSIDE CITY OR TOWN.

Payment of
expenses of
certain in-
quests in
city or sep-
arated town.

23.—(1) Where an inquest is held upon the body of a person who has died in a county, city or separated town and the jury find that the cause of death did not arise within such county, city or town, the Coroner shall make an order for the payment of the fees and expenses in connection with such inquest on the treasurer of the county, city or town in which the inquest is held, who shall thereupon pay the same; and the amount so paid, shall on demand be repaid by the treasurer of the county, city or separated town in which the matter causing the death is found to have arisen or taken place.

(2) In this section “county” shall not include a city or a town separated from a county for municipal purposes. 4 Edw. VII., c. 10, s. 78.

ANNUAL RETURNS.

Return to
Attorney-
General.

24.—(1) Every Coroner shall on or before the 15th day of January in each year make a return to the Attorney-General for the year ending on the 31st day of December next preceding, containing

(a) Every case in which after investigation by him an inquest was deemed unnecessary, and

(b) Every case in which an inquest was held by him, with the findings of the jury thereon.

Particulars
in return.

(2) The return shall as far as possible show the name, place of residence and occupation of the deceased, the place of death, and the cause of death as found by the coroner on such investigation, or by the jury at the inquest. (See R.S.O., 1897, c. 97, s. 19.)

Form of
return.

(3) The return shall be in the form prescribed by the Lieutenant-Governor in Council which shall be furnished to all coroners. *New.*

FEES OF CORONERS.

25.—(1) The fees and expenses to be allowed and paid to a coroner holding an inquest upon a death shall be those set forth in schedule "A" and shall be payable in the first instance by the city or county and the city or county shall be recouped for the same out of the Consolidated Revenue Fund. Coroner's fees.

(2) The tariff of fees under the heading of "Coroners," the items therein being numbered from 1 to 8, in Schedule "A" to *The Administration of Justice Expenses Act*, is repealed. 10 Edw. VII. c. 41. schedule amended.

(3) The list of charges payable out of the Consolidated Revenue Fund under the heading of "Coroners" in Schedule "C" to the said Act is repealed. *New.*

PART III.

INVESTIGATION OF FIRES.

ON REQUISITION OF INSURANCE COMPANY OR MUNICIPAL COUNCIL.

26. Where a Coroner within whose jurisdiction a fire has occurred, whereby any building, or any moveable property, has been wholly or in part consumed or damaged, receives Material upon which coroner to act.

(a) A requisition in writing signed by the agent of an insurance company setting forth the facts as far as known, and stating that there is reason to believe that the fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as in the interests of justice and for the due protection of property require investigation; and requiring the coroner to hold an inquiry into the cause and origin of the fire; together with a statutory declaration that the statements made in the requisition are true to the knowledge of the person making the declaration;
or

(b) A resolution passed by the council of the city, town, village or township in which the fire took place, that there are strong special and public reasons why an investigation should be held into the cause and origin of the fire and stating such reasons, and

(c)

- (c) An undertaking on the part of the insurance company or council to pay the expenses of the inquiry,

he may in his discretion issue his warrant for summoning not less than 7 nor more than 12 of the householders resident in the vicinity of the fire to hear the evidence that may be adduced concerning the same and to render a verdict under oath according to the facts, or he may hold the inquest without a jury. (See R.S.O. 1897, c. 275, ss. 1-3.)

FEEES OF CORONER.

Fees of coroner.

27. Where an inquest is held by a Coroner in respect of a fire, the Coroner shall be entitled to the sum of \$10, and should the enquiry extend beyond one day, then to \$10 *per diem* for each of two days thereafter and no more. R.S.O. 1897, c. 275, s. 7. *Amended.*

PAYMENT OF EXPENSES.

Party requiring it to pay costs.

28. The insurance company or municipal council requiring the inquest shall alone be responsible for the expenses of and attending the same, and the fees, mileage and other charges shall be certified by the Coroner, who shall give his order in writing upon the company or the treasurer of the municipality, as the case may be, for payment thereof to the persons entitled thereto, and the same shall be payable accordingly. R.S.O. 1897, c. 275, s. 8. *Amended.*

In what case only costs of adjournment shall be allowed.

29. The expenses consequent upon an adjournment of an inquest shall not be chargeable against or payable by the insurance company or municipal council requiring the investigation unless the Coroner has certified, under his hand, why and for what purpose in his opinion an adjournment took place or became necessary. R.S.O. 1897, c. 275, s. 10.

WHO TO BE PARTIES TO INVESTIGATION.

Who to be parties.

30.—(1) A director or officer of any fire insurance company interested, or the assured, or any person claiming under a policy of insurance, or any person prejudicially affected by any of the evidence adduced may attend personally or by counsel any investigation held under this Part as party thereto and may, with the Coroner's consent, examine, cross-examine or re-examine witnesses, as the case may be. R.S.O. 1897, c. 275, s. 12.

Summoning witnesses.

(2) The Coroner shall summon such witnesses as he may deem necessary and as may be required by any party to the investigation. *New.*

DISQUALIFICATIONS.

31. A Coroner who is a director or officer of the insurance company, or who is interested in any way, shall not hold an investigation under this Part, nor shall any such director or officer or any other interested person act for the Coroner as clerk reporter or otherwise in taking down or recording the depositions or evidence. R.S.O. 1897, c. 275, s. 13.

Disqualifi-
cation of
coroner for
interest.

PART IV.

PROVINCIAL CORONERS.

32.—(1) The Lieutenant-Governor in Council may appoint Provincial Coroners, each of whom shall be by virtue of his appointment a Coroner for every county, provisional county and provisional judicial district for the purpose of

Appoint-
ment of
provincial
coroners to
hold fire
investiga-
tions.

- (a) holding fire inquests,
- (b) holding investigations in cases of maiming or suspected poisoning of horses, cattle and other domestic animals, and
- (c) holding an investigation in any case in which there is in his opinion reason to believe that property has been destroyed or damaged by the wilful or malicious use of explosives.

(2) Except where otherwise expressly provided, a Provincial Coroner when holding an inquest or investigation shall have all the powers of a Coroner.

(3) Where a fire has occurred whereby any building or any moveable property has been wholly or in part consumed or damaged, and it appears to a Provincial Coroner that there is reason to believe that the fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as require investigation, he may hold an inquest as to the cause or origin of the fire, and may summon a jury for that purpose as provided by section 16, or may dispense with a jury as he may deem expedient.

Inquests by
provincial
coroner.

(4) A Provincial Coroner may hold an inquest or investigation without or upon the like requisition as in the case of a Coroner acting under Part III, but he shall not enter upon any inquest or investigation without the consent of the Attorney-General or the Crown Attorney.

Assent of
Attorney-
General
or crown
attorney
required.

(5) Where a Provincial Coroner acts upon the requisition of an agent of an insurance company, or upon the resolution of a municipal council, the expenses of and incidental to the investigation shall be borne and paid in the same manner

Expenses
of investi-
gation.

as in the case of an inquiry by a Coroner, and in other cases such expenses shall be borne and paid in the same manner as in the case of an inquest upon the body of a deceased person. *New.* See R.S.O. 1897, c. 275, s. 113; 7 Edw. VII. c. 23, ss. 10, 11.

PART V.

GENERAL PROVISIONS.

APPLICATION.

Application
of Part V.

33. This Part shall apply to every inquest and investigation held by a Coroner or by a Provincial Coroner under the authority of this Act or of any other Act or law in force in Ontario. *New.*

WITNESSES AND EVIDENCE.

Powers of
coroner

34.—(1) In addition to any other powers which he may possess a Coroner shall have the same power to issue summonses to witnesses, Form 8, to enforce their attendance and to punish for non-attendance or refusing to give evidence as is possessed by the High Court. *New.*

Fine
for non-
attendance.

(2) A fine imposed for non-attendance or refusal to give evidence shall not in the case of a medical practitioner exceed \$40, and in the case of any other witness shall not exceed \$10. See R.S.O. 1897, c. 97, s. 15. *Amended.*

Taking evi-
dence in
shorthand.

35.—(1) The evidence upon an inquest or any part of it, with the sanction of the Crown Attorney, may be taken in shorthand by a stenographer who may be appointed by the Coroner, and who before acting shall make oath that he will truly and faithfully report the evidence; and where evidence is so taken it shall not be necessary that it be read over to or signed by the witness, but it shall be sufficient if the transcript is signed by the Coroner and is accompanied by an affidavit of the stenographer that it is a true report of such evidence. 8 Edw. VII., c. 33, s. 29, *part.*

Payment of
fees of
steno-
grapher.

(2) The Coroner shall certify what he deems a reasonable allowance for the fees of the stenographer, and the same shall be paid on the order of the Coroner in the same manner as the other expenses of the witnesses. 10 Edw. VII., c. 26, s. 1.

(3) The sanction of the Crown Attorney to the employment of a stenographer shall not be necessary in the case of an inquest held by a Provincial Coroner or in the case of a fire inquest where one of the parties thereto in writing requests the Coroner to employ a stenographer and agrees to pay the extra charges occasioned thereby. *New.*

INTERPRETERS.

36.—(1) A Coroner may, and if required by the Crown Attorney shall, employ a person to act as interpreter at an inquest, and such person may be summoned to attend the inquest.

(2) An interpreter shall be paid for his attendance and services such fees as may be fixed by the Provincial Coroner or by the Coroner with the approval of the Crown Attorney. 8 Edw. VII. c. 33, s. 30 (1) *part.*

PENALTY ON JUROR FOR NON-ATTENDANCE.

37. Where a person duly summoned to serve as a juror does not attend, the Coroner may impose upon him a fine exceeding \$4.

RECOVERY OF FINES.

38. Where a fine is imposed by a Coroner under this Act he shall thereupon make out and sign a certificate stating the name, residence and occupation of the delinquent, the amount of the fine imposed and the cause of the fine, and shall transmit such certificate to the Clerk of the Peace of the county in which the delinquent resides on or before the first day of the General Sessions of the Peace then next ensuing, and the fine so certified shall be estreated, levied and applied in like manner and upon and subject to the like powers, provisions and penalties as if it had been a fine imposed at the General Sessions. See R.S.O., 1897, c. 97, s. 9 and *part* 10.

RETURN OF INQUISITION.

39. Every Coroner shall forthwith after an inquisition found by or before him, return the same, and every recognition taken before him, with the evidence and exhibits, to the Crown Attorney. R.S.O. 1897, c. 97, s. 18.

COURT ROOM FOR INQUEST.

Council of
city or town
to provide
accommoda-
tion for
inquest.

40.—(1) The Council of every city and town shall provide a suitable place for the holding of inquests, and until it is provided for that purpose, inquests may be held in the Police Court room of the municipality, but at such times as shall not interfere with the use of such court room for the holding of the Police Court.

Coroner may
procure room
in default of
council.

(2) If a suitable place is not provided by the council, the Coroner may procure a suitable place for holding the inquest and the expense incurred shall be borne by the municipality.
5 Edw. VII. c. 15, s. 1.

FORMS.

Forms.

41. The forms set out in Schedule B may be used for the purposes therein designated, but no inquisition shall be set aside or quashed on account of any deviation from any of such forms, where the instrument in question has been duly signed and attested, and the effect thereof is the same as that set out in the form provided for the purpose. *New.*

REPEAL.

Repeal.

42. Chapters 97 and 275 of the Revised Statutes of Ontario, 1897; Section 22 of *The Statute Law Amendment Act, 1903*; section 78 of *The Statute Law Amendment Act, 1904*; section 1 of the Act passed in the Fifth year of the Reign of His late Majesty King Edward VII., chaptered 15; sections 10 and 11 of *The Statute Law Amendment Act, 1907*; sections 29 and 30 of *The Statute Law Amendment Act, 1908*, and section 1 of *The Statute Law Amendment Act, 1910*, are repealed.

Commence-
ment of
Act.

43. This Act shall come into force and take effect on, from and after the 1st day of May, 1911.

(*For special provisions as to Coroners when acting under The Sheriffs Act, see 9 Edw. VII. c. 6, ss. 14-16.*)

(*As to Fatal Accidents in Mines, see 8 Edw. VII., c. 21, s. 163.*)

SCHEDULE A.

(a) Impanelling a jury	\$2 00
(b) Examining each witness (including summons)	50
(c) Taking each recognizance	50
(d) Necessary travel per mile	20
(e) Taking inquisition and making return	10 00
(f) Every warrant	1 00
(g) Order for the payment of jurors	1 00

(*New.*)

SCHEDULE

SCHEDULE B.

FORM 1.

CORONER'S WARRANT TO TAKE POSSESSION OF BODY.

Province of Ontario	}	To the Chief Constable of the
of		of
To wit		in the County (or district)
		of

By virtue of my office these are in His Majesty's name to charge and command you that on sight hereof you forthwith take in charge the body of _____ deceased (or the body of an unknown person) now lying dead at (*describing as accurately as possible the locality in which body lies*).

And thereafter do and execute all such things as shall be given you in charge on behalf of our Sovereign Lord the King touching the death of _____ and for so doing this shall be your sufficient warrant.

Given under my hand and seal this _____ day
of _____ 19 .

Coroner.

FORM 2.

WARRANT TO HOLD INQUEST ON DEATH.

Province of Ontario	}	To the Chief Constable of the
of		of
To wit		in the County (or district)
		of

By virtue of my office these are in His Majesty's name to charge and command you that on sight hereof you summon and warn _____ (*not less than seven nor more than twelve*) able and efficient men of your County (or City) personally to be and appear before me on _____ day the _____ day of _____ at _____ o'clock in the _____ noon of the same day at _____ called or known by _____ the name or sign of _____ situate in the _____ said _____ then and there to do and execute all such things that shall be given them in charge on behalf of our Sovereign Lord the King touching the death of _____ and for so doing this shall be your sufficient warrant; and that you also attend at the time and place above mentioned to make a return of the names of the persons whom you shall have so summoned and further to do and execute such other matters as shall be then and there enjoined you and have you then and there this warrant.

Given under my hand and seal this _____ day
of _____ 19 .

Coroner.

FORM

FORM 3.

DECLARATION OF CORONER THAT INQUEST NECESSARY.

Province of Ontario } I, of the of in the
 of } of a Coroner
 To wit } in and for said do
 hereby solemnly declare:

That after viewing the body of (or the body of an unknown person) now lying dead at in this I am of opinion that there is good reason for believing that (or an unknown man, woman, or male or female child) now lying dead at did not come to his (or her) death from natural causes, or from mere accident or mischance; but came to his (or her) death from violence or unfair means, or culpable or negligent conduct of others, or under other circumstances requiring investigation by a Coroner's inquest.

And I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at the
 of
 in the of
 this day of
 19
 A Commissioner, etc. Coroner.

FORM 4.

WARRANT TO BURY AFTER A VIEW.

Province of Ontario } To the person in charge or
 of } control of the burying
 To wit } grounds in the
 and to all others whom it
 may concern.

Whereas, an inquisition hath this day been held upon view of the body of who now lies dead in your (township or city or as the case may be). These are therefore to certify that you may lawfully permit the body of the said to be buried; and for your so doing this is your warrant.

Given under my hand and seal this day of 19
 Coroner.

FORM 5.

DECLARATION OF CORONER UPON ORDER FOR BURIAL.

Province of Ontario } In the matter of
 of } deceased,
 To wit }
 Coroner of the

I, in the County of
 of do solemnly declare that I visited and examined the body of the said and learned from the following facts:—

Upon these facts I issued an order to bury the body.

And

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at the
of
in the of
this day of 19

A Commissioner, etc.

FORM 6.

WARRANT TO MEDICAL PRACTITIONER.

[illegible]

By virtue of my office, these are in His Majesty's name to charge and command you that you do [make or assist in making a *post mortem* examination of the body of _____ of _____ in the County of _____ with an analysis, and] appear before me and my jury at _____ in the _____ of _____ on the _____ day of _____ 19____, at _____ o'clock, and give further evidence touching the death of _____

Given under my hand and seal this _____ day of _____ 19____

Coroner.

The words between the brackets [] may be omitted when a *post mortem* examination is not required.

FORM 7.

SUMMONS TO A JUROR.

Province of Ontario
To wit

By virtue of a Warrant under the hand and seal of
His Majesty's Coroner for this of of
you are hereby summoned personally to be and appear before him as
a jurymen on the day of at
precisely, at the o'clock in the
of in the known by the name or sign
then and there to enquire, on His Majesty's behalf, touching the
death of of of
and further to do and execute such other matters and things as
shall be then and there enjoined you, and not depart without leave.

Herein fail not at your peril.

Dated the day of 19

To _____ of _____
In the _____

Congtable.

FORM

FORM 8.

SUMMONS TO A WITNESS.

Province of Ontario	}	To		
To wit		of the	in the	of
	of			

Whereas I am credibly informed that you can give material evidence on behalf of our Sovereign Lord the King, touching the death of
 now lying dead

in the
 of
 in the said County of

These are, therefore, by virtue of my office, in His Majesty's name, to charge and command you personally to be and appear before me at
(here insert a sufficient description of the place where the inquest is to be held) in the said
 at

of the clock in the
 noon, on the
 day of
 and then and there to give evidence and be examined, on His Majesty's behalf, before me and my inquest touching the premises.

Given under my hand and seal this
 day of
 19

Coroner.

CHAPTER 24.

An Act respecting Voluntary and Fraudulent
Conveyances.*Assented to 24th March, 1911.*

HIS MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Fraudulent Conveyances Act*. *New.*

INTERPRETATION.

2. In this Act

- (a) "Conveyance" shall include gift, grant, alienation, bargain, charge, incumbrance, limitation of use or uses of, in, to or out of real property or personal property by writing or otherwise. Interpretation. "Conveyance."
- (b) "Personal Property" shall include goods, chattels, effects, bills, bonds, notes and securities, and shares, dividends, premiums and bonuses in any bank, company or corporation, and any interest therein. "Personal property."
- (c) "Real Property" shall include lands, tenements, hereditaments, and any estate or interest therein. "Real property."
- New.*

CONVEYANCES IN FRAUD OF CREDITORS.

3. Every conveyance of real property or personal property and every bond, suit, judgment and execution at any time had or made or at any time hereafter to be had or made with intent to defeat, hinder, delay or defraud creditors or others of their just and lawful actions, suits, debts, accounts, damages, penalties or forfeitures shall be null and void as against such persons and their assigns. R.S.O. 1897, c. 334, s. 1. *Amended.*

Proviso as to conveyances by tenants in tail. 13 Eliz., c. 5, s. 3.

4. Where a conveyance made by a tenant in tail is impeached under section 3, it shall nevertheless be as valid as against the heirs in tail, and all persons entitled in reversion or remainder as if this Act had not been passed. R.S.O. 1897, c. 334, s. 3.

Proviso as to conveyances made *bona fide* and for good consideration. 13 Eliz., c. 5, s. 5.

5. Section 3 shall not extend to any estate or interest in real property or personal property conveyed upon good consideration and *bona fide* to any person not having at the time of the conveyance to him notice or knowledge of such intent. R.S.O. 1897, c. 334, s. 4.

When valuable consideration and intent to pass interest to avail.

6.—(1) Section 3 shall apply to all conveyances executed with the intent in that section set forth notwithstanding that the same may be executed upon a valuable consideration and with the intention, as between the parties to the same, of actually transferring to and for the benefit of the transferee the interest expressed to be thereby transferred, unless the same is protected under section 5 by reason of *bona fides* and want of notice or knowledge on the part of the purchaser.

Instruments not affected.

(2) This section shall not apply to any instrument executed before the 2nd day of March, 1872. R.S.O. 1897, c. 115, s. 3. *Amended.*

CONVEYANCES IN FRAUD OF PURCHASERS.

Fraudulent conveyances made to deceive purchasers declared void as against such purchasers. 27 Eliz., c. 4, s. 1.

7. Every conveyance of real property had or made or at any time hereafter to be had or made with intent to defraud and deceive such person as may have purchased or shall afterwards purchase such real property shall be deemed only as against that person and his assigns, and all persons lawfully claiming under him, or them, who have purchased or shall hereafter purchase for money or other good consideration the same real property or any part thereof to be null and void. R.S.O. 1897, c. 334, s. 5. *Amended.*

Proviso for conveyances made on good consideration. 27 Eliz., c. 4, s. 3.

8. Section 7 shall not extend to or be construed to impeach, defeat, make null or void any conveyance of real property made upon or for good consideration and *bona fide*. R.S.O. 1897, c. 334, s. 7. *Amended.*

Conveyances made revocable of lands afterwards sold for good consideration to be void against the purchaser. 27 Eliz., c. 4, s. 4.

9. If any person makes a conveyance of real property with any clause, provision, article, or condition of revocation, determination or alteration at his will or pleasure, and after such conveyance bargains, sells, demises, grants, conveys or charges the same or any part thereof to any person for money or other good consideration paid or given, such first conveyance not being by him revoked, made void, or altered accord-

ing to the power and authority so reserved or expressed therein, then such first conveyance as touching the real property so after bargained, sold, conveyed, demised or charged against the bargainees, vendees, lessees, grantees, their heirs, successors, and their assigns and against every person lawfully claiming under them, shall be null and void. Provido as to mortgages. Provided nevertheless that no lawful mortgage made *bona fide*, and without fraud or covin, upon good consideration shall be impeached or impaired by force of this Act, but shall have the like force and effect as if this Act had not been passed. R.S.O. 1897, c. 334, s. 8.

Absence of Valuable Consideration.

10. Nothing in sections 7 to 9 shall extend to a conveyance which is executed in good faith and duly registered in the proper registry office or land titles office before the execution of the conveyance to, and before the creation of any binding contract for the conveyance to any subsequent purchaser from the same grantor of the same real property or any part thereof, nor shall the same merely by reason of the absence of a valuable consideration be null and void as against such purchaser or his heirs, executors, administrators or assigns or any person claiming by, from or under any of them. No voluntary conveyance, etc., executed in good faith and duly registered to be void merely for absence of valuable consideration. R.S.O. 1897, c. 115, s. 1.

11. Nothing in the next preceding section shall have the effect of making valid any instrument which is for any reason other than or in addition to the absence of a valuable consideration void under sections 7 to 9 or otherwise; nor have the effect of making valid any instrument as against a purchaser who had, before the 28th day of February, 1868, entered into a binding contract for, or received his conveyance upon such purchase. Instruments otherwise void not to be valid under preceding section. R.S.O. 1897, c. 115, s. 2.

12. Chapter 115 and Chapter 334 (excepting sections 2 and 6) of the Revised Statutes 1897 are repealed. Repeal.

CHAPTER 25.

An Act respecting the Law and Transfer of
Property.*Assented to 24th March, 1911.*

SHORT TITLE, s. 1.	ILLUSORY APPOINTMENTS, s. 23.
INTERPRETATION, s. 2.	TENANCY BY CURTESY, s. 24.
CORPOREAL TENEMENTS TO LIE IN GRANT AS WELL AS LIVERY, s. 3.	WASTE, ss. 25-28.
FEOFFMENTS TO BE BY DEED AND INNOCENT, s. 4.	RENT CHARGES, EFFECT OF PARTIAL RELEASE, s. 29.
WORDS OF LIMITATION UNNECES- SARY, s. 5.	SCINTILLA JURIS NO LONGER NECES- SARY, s. 30.
RECEIPT IN DEED SUFFICIENT, s. 6.	CONTINGENT REMAINDER NOT TO BE DEFEATED BY FORFEITURE, SURRENDER OR MERGER OF PRE- CEDING ESTATE, ss. 31-32.
RECEIPT TO BE EVIDENCE FOR SUB- SEQUENT PURCHASER, s. 7.	IMPROVEMENTS MADE UNDER MIS- TAKE OF TITLE, s. 33.
RIGHTS OF PURCHASER AS TO EXE- CUTION OF DEED, s. 8.	PURCHASES OF REVERSIONS, s. 34.
PARTITION, EXCHANGE, ETC., TO BE BY DEED, ss. 9, 12.	PURCHASER FOR VALUE WITHOUT NOTICE, s. 35.
CONTINGENT INTERESTS, ETC., MAY BE DISPOSED OF BY DEED, s. 10.	CONVEYANCE BY A PERSON TO HIM- SELF OR TO HIS WIFE, ETC., s. 36.
WORDS "GRANT" AND "EX- CHANGE," EFFECT OF, s. 11.	RIGHTS OF POSTHUMOUS CHILDREN, s. 37.
GRANTEES, ETC., TO TAKE AS TEN- ANTS IN COMMON AND NOT AS JOINT TENANTS, s. 13.	PRODUCTION OF CESTUIS QUE VIE AND TENANTS FOR LIFE, ss. 38-44.
LAND ACQUIRED BY POSSESSION BY TWO OR MORE PERSONS, s. 14.	ASSIGNMENTS OF CHOSSES IN ACTION, s. 45.
CONVEYANCE TO INCLUDE WHOLE ESTATE OF GRANTOR, s. 15.	DEBENTURES OF CORPORATIONS, s. 46.
DEEDS OF BARGAIN AND SALE, BY CORPORATIONS, s. 16.	AUCTIONS OF ESTATES, ss. 47-50.
PROVISION FOR SALES FREE FROM INCUMBRANCES, s. 17.	FRAUDS IN SALES AND MORTGAGES, s. 51.
IMPLIED COVENANTS, s. 18.	EFFECT OF ORDERS OF COURT, s. 52.
COVENANTS TO BIND HEIRS, s. 19.	REPEAL, s. 53.
POWERS, MODE OF EXECUTION, ETC., ss. 20-22.	

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title.

1. This Act may be cited as *The Conveyancing and Law of
Property Act. New.*

Interpre-
tation.

2. In this Act,

(a)

- (a) "Conveyance" shall include assignment, appointment, lease, settlement, and other assurance, made by deed, on a sale, mortgage, demise, or settlement of any property or on any other dealing with or for any property; and "convey" shall have a meaning corresponding with that of conveyance; Conveyance.
Imp. Act 44-45 V., c. 41, s. 2.
- (b) "Land" shall include messuages, tenements, hereditaments, whether corporeal or incorporeal, and any undivided share in land; Land.
- (c) "Mortgage" shall include any charge on property for securing money or money's worth; Mortgage.
- (d) "Mortgage money" shall mean money or money's worth secured by a mortgage; Mortgage money.
- (e) "Mortgagee" shall include any person from time to time deriving title under the original mortgage. Mortgagee.
- (f) "Mortgagor" shall include any person from time to time deriving title under the original mortgagor or entitled to redeem a mortgage according to his estate, interest or right in the mortgaged property; Mortgagor.
- (g) "Property" shall include real and personal property, and any debt, and any thing in action, and any other right or interest; Property.
- (h) "Puffer" shall mean a person appointed to bid on the part of the seller; Puffer.
- (i) "Purchaser" shall include a lessee, a mortgagee, and an intending purchaser, lessee or mortgagee, or other person, who, for valuable consideration, takes or deals for any property; and "purchase" shall have a corresponding meaning with that of purchaser; but "sale" shall mean only a sale properly so called. R.S.O. 1897, c. 119, s. 1. *Amended.* Purchaser.
Purchase.
Sale.

LAND TO LIE IN GRANT AS WELL AS LIVERY.

3. All corporeal tenements and hereditaments shall, as regards the conveyance of the immediate freehold thereof, lie in grant as well as in livery. R.S.O. 1897, c. 119, s. 2. Corporeal tenements, etc., deemed to lie in grant, etc.

FEOFFMENT TO BE BY DEED ONLY.

4. A feoffment otherwise than by deed shall be void, and no feoffment shall have any tortious operation. R.S.O. 1897, c. 119, s. 3. Feoffments unless by deed to be void.

WORDS OF LIMITATION.

Words of limitation unnecessary. Imp. Act, s. 51.

5.—(1) In a conveyance, it shall not be necessary in the limitation of an estate in fee simple to use the word heirs; or in the limitation of an estate in tail to use the words heirs of the body; or in the limitation of an estate in tail male or in tail female, to use the words heirs male of the body, or heirs female of the body.

(2) For the purpose of such limitation it shall be sufficient in a conveyance to use the words in fee simple, in tail, in tail male, or in tail female, according to the limitation intended, or to use any other words sufficiently indicating the limitation intended.

A conveyance without words of limitation passes all the estate, etc.

Imp. Act, s. 63.

(3) Where no words of limitation are used, the conveyance shall pass all the estate, right, title, interest, claim and demand, which the conveying parties have, in, to, or on the property conveyed, or expressed or intended so to be, or which they have power to convey in, to, or on the same.

(4) Subsection 3 shall apply only if and as far as a contrary intention does not appear from the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(5) This section shall apply only to conveyances made after the 1st day of July, 1886. R.S.O. 1897, c. 119, s. 4.

PROVISIONS AS TO CONVEYANCES.

Receipt in deed sufficient.

Imp. Act, s. 54.

6. A receipt for consideration money or securities in the body of a conveyance shall be a sufficient discharge to the person paying or delivering the same, without any further receipt being indorsed on the conveyance. R.S.O. 1897, c. 119, s. 5. *Amended.*

Receipt in deed or indorsed evidence for subsequent purchaser

Imp. Act, s. 55.

7. A receipt for consideration money or other consideration in the body of a conveyance or indorsed thereon shall, in favour of a subsequent purchaser, not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given, wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof. *New.* See R.S.O. 1897, c. 119, s. 5.

Rights of purchaser as to execution of purchase deed.

Imp. Act, s. 8.

8. On a sale the purchaser shall not be entitled to require that the conveyance to him be executed in his presence, or that of his solicitor, but shall be entitled to have, at his own cost, the execution of the conveyance attested by some person appointed by him, who may, if he thinks fit, be his solicitor. R.S.O. 1897, c. 119, s. 6.

9. A partition and an exchange of land and a lease of land required by law to be in writing, an assignment of a chattel interest in land, and a surrender in writing of land not being an interest which might by law have been created without writing, shall be void at law, unless made by deed. R.S.O. 1897, c. 119, s. 7.

Partition or exchange of land, etc., unless by deed to be void.

10. A contingent, an executory, and a future interest, and a possibility coupled with an interest in land, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent, into or upon land, may be disposed of by deed; but no such disposition shall by force only of this Act defeat or enlarge an estate tail. R.S.O. 1897, c. 119, s. 8.

Contingent interests, etc., in land may be disposed of by deed.

11. An exchange or a partition of any tenements or hereditaments shall not imply any condition in law, and the word "give" or the word "grant" in a conveyance shall not imply any covenant in law, except so far as the word "give" or the word "grant" may by force of any Act in force in Ontario imply a covenant. *New.* (See R.S.O. 1897, c. 119, s. 9.)

Exchange or partition not to imply any condition or "give" or "grant" any covenant. Imp. Act 8 and 9 V., c. 106, s. 4, part.

12. The next preceding three sections shall not extend to any deed, act or thing executed or done, or to any estate, right or interest created before the 1st day of January, 1850. R.S.O. 1897, c. 119, s. 10.

Preceding three sections not to extend to deeds, etc., executed before 1st January, 1850.

13.—(1) Where by any letters patent, assurance or will, made and executed after the first day of July, 1834, land has been or is granted, conveyed or devised to two or more persons other than executors or trustees in fee simple, or for any less estate, it shall be considered that such persons took or take as tenants in common, and not as joint tenants, unless an intention sufficiently appears on the face of such letters patent, assurance or will, that they are to take as joint tenants. R.S.O. 1897, c. 119, s. 11.

Grantees, devisees, etc., to take as tenants in common unless it appears they are to take as joint tenants.

(2) This section shall apply notwithstanding that one of such persons is the wife of another of them. *New.*

14. Where hereafter two or more persons acquire land by length of possession they shall be considered to hold as tenants in common and not as joint tenants. *New.*

Land acquired by possession by two or more persons to be held in common tenancy.

15.—(1) Every conveyance of land, unless an exception is specially made therein, shall include all houses, out-houses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, water-courses, lights, liberties, privileges, ease-

Conveyance to include all houses, etc., and the reversion, and all the estate, etc.

ments,

ments, profits, commodities, emoluments, hereditaments and appurtenances whatsoever, to such land belonging or in any-wise appertaining, or with the same demised, held, used, occupied and enjoyed or taken or known as part or parcel thereof; and if the same purports to convey an estate in fee simple, also the reversion or reversions, remainder and remainders, yearly and other rents, issues and profits of the same land and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim and demand whatsoever, of the grantor, into, out of, or upon the same land, and every part and parcel thereof, with their and every of their appurtenances.

(2) Except as to conveyances under former Acts relating to short forms of conveyances, this section shall apply only to conveyances made after the 1st day of July, 1886. R.S.O. 1897, c. 119, s. 12.

Corporations
aggregate
may convey
by bargain
and sale.

16. Any corporation capable of taking and conveying land in Ontario, shall be deemed to have been and to be capable of taking and conveying land by deed of bargain and sale, in like manner as any person in his natural capacity, subject to any general limitations or restrictions and to any special provisions as to holding or conveying land which may be applicable to such corporation. R.S.O. 1897, c. 119, s. 13.

PROVIDING FOR INCUMBRANCES ON SALES.

Provision
for sales
free from
incum-
brances.
Imp. Act,
44-45 V.,
c. 41,
s. 5.

17.—(1) Where land subject to an incumbrance, whether immediately payable or not, is sold by any Court or out of Court, the High Court or the Court in which the sale takes place may, on the application of any party to the sale, direct or allow payment into Court, in the case of an annual sum charged on the land, or of a capital sum charged on a determinable interest in the land, of such amount as, when invested in securities approved by the Court, the Court considers will be sufficient by means of the income thereof to keep down or otherwise provide for that charge; and in any other case of capital money charged on the land, of an amount sufficient to meet the incumbrance and any interest due thereon; but in either case there shall also be paid into Court such additional amount as the Court considers will be sufficient to meet the contingency of further costs, expenses, and interest, and any other contingency except depreciation of investments, not exceeding one-tenth of the original amount to be paid in, unless the Court for special reasons thinks fit to require a larger additional amount.

(2) The Court may, thereupon, either after or without notice to the incumbrancer, declare the land to be freed from the incumbrance, may make any order for conveyance, or vesting order, proper for giving effect to the sale, and may give directions for the retention and investment of the money in Court.

(3) After notice served on the persons interested in or entitled to the money or fund in Court, the Court may direct payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof. R.S.O. 1897, c. 119, s. 15. *Amended.*

(4) Payment of money into Court shall effectually exonerate therefrom the person making the payment.

(5) The application shall be made in chambers, and on notice.

Regulations
respecting
payments
into court
and applica-
tions.

(6) On an application by a purchaser, notice shall be served in the first instance on the vendor.

Imp. Act,
s. 69.

(7) On an application by a vendor, notice shall be served in the first instance on the purchaser.

(8) On any application, notice shall be served on such persons as the Court thinks fit.

(9) The Court may make such order as it deems just respecting the costs, charges or expenses of any of the parties to the application. R.S.O. 1897, c. 119, s. 16.

IMPLIED COVENANTS.

18.—(1) In a conveyance made on or after the 1st day of July, 1886, there shall, in the cases in this section mentioned, be deemed to be included, and there shall in those cases be implied, covenants to the effect in this section stated, by the person or by each person who conveys, as far as regards the subject-matter or share thereof expressed to be conveyed by him, with the person, if one, to whom the conveyance is made, or with the persons jointly, if more than one, to whom the conveyance is made as joint tenants, or with each of the persons, if more than one, to whom the conveyance is made as tenants in common:

Covenants
to be
implied.
Imp. Act,
44-45 V.,
c. 41, s. 7.

(a) In a conveyance for valuable consideration, other than a mortgage, the following covenants by the person

On convey-
ance for
value by
beneficial
owner.

Imp. Act,
§. 7.

person who conveys, and is expressed to convey, as beneficial owner, namely, covenants for,

- (I) Right to convey;
- (II) Quiet enjoyment;
- (III) Freedom from incumbrances; and
- (IV) Further assurance;

10 Edw.
VII., c. 53.

according to the forms of covenants for such purposes set forth in Schedule B to *The Short Forms of Conveyances Act*, and therein numbered 2, 3, 4 and 5, subject to the provisions of that Act;

On convey-
ance of
leaseholds
for value,
by beneficial
owner.

- (b) In a conveyance of leasehold land for valuable consideration, other than a mortgage, the following further covenant, by the person who conveys and is expressed to convey as beneficial owner:

Validity of
lease.

That, notwithstanding anything by the person who so conveys, made, done, executed, or omitted, or knowingly suffered, the lease or grant creating the term or estate for which the land is conveyed is, at the time of conveyance, a good, valid, and effectual lease or grant of the property conveyed, and is in full force, unforfeited, unsurrendered, and in nowise become void or voidable, and that, notwithstanding anything as aforesaid, all the rents reserved by and all the covenants, conditions and agreements contained in the lease or grant, and on the part of the lessee or grantee, and the persons deriving title under him to be paid, observed, and performed, have been paid, observed and performed, up to the time of conveyance;

On convey-
ance by
trustee, etc.

Imp. Act,
§. 7.

- (c) In a conveyance, the following covenant by every person who conveys, and is expressed to convey, as trustee or mortgagee, or as personal representative of a deceased person, or as committee of a lunatic, or under an order of the Court, which covenant shall be deemed to extend to every such person's own acts only, namely;

Against
incum-
brances.

That the person so conveying has not executed, or done, or knowingly suffered, or been party or privy to, any deed, act, matter or thing, whereby, or by means whereof the subject-matter of the conveyance, or any part thereof is or may be impeached, charged, affected, or

incumbered

incumbered in title, estate or otherwise, or whereby or by means whereof the person who so conveys is in anywise hindered from conveying such subject-matter or any part thereof, in the manner in which it is expressed to be conveyed.

- (d) In a conveyance by way of settlement, the following covenant by a person who conveys and is expressed to convey as settlor, namely;

On settlement for further assurance, limited.

That the person so conveying, and every person deriving title under him by deed or act or operation of law in his lifetime subsequent to that conveyance, or by testamentary disposition or devolution in law on his death, will, from time to time, and at all times, after the date of that conveyance, at the request and cost of any person deriving title thereunder, execute and do all such lawful assurances and things for further or more perfectly assuring the subject-matter of the conveyance to the persons to whom the conveyance is made, and those deriving title under them, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by them or any of them shall be reasonably required.

- (2) Where in a conveyance it is expressed that by direction of a person expressed to direct as beneficial owner another person conveys, the person giving the direction, whether or not he conveys and is expressed to convey, as beneficial owner, shall be deemed to convey, and to be expressed to convey as beneficial owner the subject-matter so conveyed by his direction; and the covenants on his part mentioned in clause (a) of subsection 1 shall be implied accordingly.

On conveyance by direction of beneficial owner

- (3) The benefit of a covenant so implied shall be annexed and incident to and shall go with the estate or interest of the implied covenantee, and shall be capable of being enforced by every person in whom that estate or interest is for the whole or any part thereof from time to time vested.

Enforcing covenants.

- (4) A covenant so implied may be varied or extended and as so varied or extended shall, as far as may be, operate in the like manner, and with all the like incidents, effects and consequences, as if such variations or extensions were directed in this section to be implied. R.S.O. 1897, c. 119, s. 17. *Amended.*

Variation of covenants.

(As to implied covenants in the case of mortgages see *The Mortgages Act. 10 Edw. VII., c. 51.*)

Covenants
to bind
heirs, etc.

Imp. Act.
44-45 V.,
c. 41, s. 58.

19.—(1) A covenant relating to land of inheritance or to land held for the life of another shall be deemed to be made with the covenantee his heirs and assigns, and shall have effect as if heirs and assigns were expressed.

(2) A covenant relating to land not of inheritance or to land not held for the life of another shall be deemed to be made with the covenantee his executors, administrators and assigns, and shall have effect as if executors, administrators and assigns were expressed. *New.*

POWERS.

Mode of
executing
powers.

Imp. Act,
22-23 V.,
c. 35, s. 12.

20.—(1) A deed executed in the presence of, and attested by two or more witnesses in the manner in which deeds are ordinarily executed and attested, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing, not testamentary, notwithstanding that it is especially required that a deed or instrument in writing, made in exercise of such power, shall be executed or attested with some additional or other form of execution or attestation or solemnity.

(2) This section shall not operate to defeat any direction in the deed or instrument creating the power that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to any appointment, having no relation to the mode of executing and attesting the deed or instrument.

(3) Nothing in this section shall prevent the donee of a power from executing it conformably to the power. R.S.O. 1897, c. 119, s. 18.

Person to
whom a
power is
given may
release or
contract not
to exercise
same.

Imp. Act
44 and 45 V.,
c. 41, s. 52.

Disclaimer
of power,
45-46 V.,
c. 39,
s. 6 (2).

21.—(1) A person to whom a power, whether coupled with an interest or not, is given may by deed disclaim or release or contract not to exercise the power. R.S.O. 1897, c. 119, s. 19. *Amended.*

(2) A person disclaiming shall not afterwards be capable of exercising or joining in the exercise of the power, and on such disclaimer the power may be exercised by the other or others or the survivor or survivors of the others of the persons to whom the power is given unless the contrary is expressed in the instrument creating the power. *New.*

Sale under
power not
to be
avoided by
reason of
mistaken
payment to
tenant for
life.

Imp. Act
22-23 V.,
c. 35, s. 13.

22. Where, under a power of sale, a sale in good faith is made of an estate, with the timber thereon, or with any articles attached thereto, and the tenant for life, or any other party to the transaction, is by mistake allowed to receive for his own benefit a part of the purchase money or value of the timber or article, the High Court, upon an action brought, or upon application made in a summary

way

way, may declare that upon payment by the purchaser or the claimant under him of the full value of the timber or article at the time of the sale, with such interest thereon as the Court directs, and the settlement of the principal moneys and interest under the direction of the Court, upon such persons as in the opinion of the Court are entitled thereto, the sale ought to be established; and upon payment and settlement being made accordingly, the Court may declare the sale valid, and thereupon the legal estate shall vest and go in like manner as if the power had been duly executed, and the costs of the application, as between solicitor and client, shall be paid by the purchaser or the claimant under him. R.S.O. 1897, c. 119, s. 20.

ILLUSORY APPOINTMENTS.

23.—(1) No appointment made in exercise of any power or authority to appoint any property, real or personal, amongst several objects, shall be invalid, or impeached, on the ground that an unsubstantial, illusory or nominal share only is thereby appointed to, or left unappointed to devolve upon any one or more of the objects of such power or upon the ground that any object of such power has been altogether excluded; but every such appointment shall be valid and effectual, notwithstanding that any one, or more, of the objects shall not thereunder, or in default of such appointment, take more than an unsubstantial, illusory, or take no share thereof or nominal share of the property subject to such power.

Certain appointments not to be impeached as illusory.

Imp. Act, 11 Geo. 4, & 1 Wm. 4, c. 46, ss. 1, 2 and 3, 37 & 38 V., c. 37, s. 1.

(2) Nothing in this section shall prejudice or affect any provision, in any deed, will, or other instrument, creating any such power, which declares the amount of the share or shares from which no object of the power shall be excluded or that some one or more object or objects of the power shall not be excluded or give any validity, force or effect to any appointment, other than such appointment would have had if a substantial share of the property affected by the power had been thereby appointed to, or left unappointed to devolve upon, any object of such power. R.S.O. 1897, c. 330, ss. 31, 32 and 33; and c. 51, s. 57 (4).

Limitation of operation of section.

TENANCY BY THE CURTESY.

24. Where a husband has issue born alive and capable of inheriting any land to which his wife is entitled in fee simple, or fee tail, if the husband survive his wife, whether such issue live or not, the husband shall (subject to the provisions of *The Married Women's Property Act*) be entitled to an estate for his natural life in such land as may not have been disposed of by her deed or will; but if he has no such issue by his wife he shall not be entitled to any further or other estate or interest in such land in the event

Tenancy by the curtesy.

Imp. Rev. Stat., 1870, p. 129.

10 Edw.
VII., c. 56.

of surviving his wife, except such as may be devised to him by her will, or such as he may become entitled to under *The Devolution of Estates Act*. R.S.O. 1897, c. 330, s. 5.

WASTE.

Waste by
tenants by
curtesy,
dowress,
etc.
6 Edw. I.,
(St. Gloucester), c. 5.

25. A tenant by the curtesy, a dowress, a tenant for life, or for years, and the guardian of the estate of an infant, shall be impeachable for waste, and liable in damages to the person injured. R.S.O. 1897, c. 330, s. 21.

Waste by
tenant for
life with-
out impeach-
ment of
waste.

26. An estate for life without impeachment of waste shall not confer or be deemed to have conferred upon the tenant for life any legal right to commit waste of the description known as equitable waste, unless an intention to confer such right shall expressly appear by the instrument creating such estate. R.S.O. 1897, c. 51, s. 58 (2).

Waste
between
joint ten-
ants and
tenants in
common.

13 Edw. I.
(St. of Westmin-
ster, Sec.)
c. 22.

27. Tenants in common, and joint tenants, shall be liable to their co-tenants for waste, or, in the event of a partition, the part wasted may be assigned to the tenant committing such waste, at the value thereof to be estimated as if no such waste had been committed. R.S.O. 1897, c. 330, s. 22.

Waste by
lessees.
52 Hen. 3
(St. of Marlbridge)
c. 23.

28. Lessees making or suffering waste on the demised premises without license of the lessors, shall be liable for the full damage so occasioned. R.S.O. 1897, c. 330, s. 23.

(For other remedies see *The Judicature Act*, s. 58 (9).)

RELEASE OF PART OF LAND FROM RENT CHARGE..

Release of
part of
land sub-
ject to rent-
charge not
to be an
extinguish-
ment of the
charge on
the rest, etc.

Imp. Act, 22-
23 V. c. 35,
s. 10.

29. The release from a rent-charge of part of the land charged therewith shall not extinguish the whole rent-charge, but shall operate only to bar the right to recover any part of it out of the land released, without prejudice to the rights of all persons interested in the land remaining unreleased and not concurring in or confirming the release. R.S.O. 1897, c. 119, s. 27.

FUTURE AND CONTINGENT USES.

Limitation
to uses, shall
take effect
as they
arise with-
out contin-
ued seisin
or *scintilla
juris* in the
persons
originally
seised.

Imp. Act 23-
24 V. c. 38,
s. 7.

30. Where by any deed, will or other instrument, any land is limited to uses, all uses thereunder, whether expressed or implied by law, and whether immediate or future, or contingent or executory, or to be declared under any power therein contained, shall take effect when and as they arise by force of and by relation to the estate and seisin originally vested in the person seised to the uses; and the continued existence in him or elsewhere of any seisin to uses or *scintilla juris*, shall not be necessary for the support of, or to give effect to, future or contingent or executory uses;

nor shall any such seisin to uses or *scintilla juris* be deemed to be suspended, or to remain or to subsist in him or elsewhere. R.S.O. 1897, c. 119, s. 28.

CONTINGENT REMAINDERS.

31. Every contingent remainder shall be capable of taking effect, notwithstanding the determination by forfeiture, surrender or merger, of any preceding estate of freehold. R.S.O. 1897, c. 119, s. 29. *Amended.*

Certain contingent remainders not to be defeated by forfeiture, surrender or merger of preceding estate.

MERGER.

32. There shall not be any merger by operation of law only of any estate, the beneficial interest in which, prior to *The Ontario Judicature Act, 1881*, would not have been deemed merged or extinguished in equity. R.S.O. 1897, c. 51, s. 58 (3).

No merger of estate by operation of law. 44 V. c. 5.

IMPROVEMENTS UNDER MISTAKE OF TITLE.

33. Where a person makes lasting improvements on land under the belief that the land is his own, he or his assigns shall be entitled to a lien upon the same to the extent of the amount by which the value of the land is enhanced by such improvements; or shall be entitled or may be required, to retain the land if the Court is of opinion or requires that this should be done, according as may, under all circumstances of the case be most just, making compensation for the land, if retained, as the Court may direct. R.S.O. 1897, c. 119, ss. 30, 31, 32.

Persons improving lands to have a lien on lands.

PURCHASES OF REVERSIONS.

34. No purchase made in good faith, and without fraud, of any reversionary interest in property, shall be opened or set aside on the ground of undervalue. R.S.O. 1897, c. 119, s. 35.

Purchases of reversions not affected by undervalue.

PURCHASER FOR VALUE WITHOUT NOTICE.

35. It shall not be necessary, in order to maintain the defence of a purchase for value without notice, to prove payment of the mortgage money or purchase money, or any part thereof. R.S.O. 1897, c. 119, s. 36.

Proof of payment of purchase money unnecessary.

ASSIGNMENT TO ASSIGNOR AND ANOTHER OR TO ASSIGNOR'S WIFE.

36. Any property may be conveyed by a person to himself jointly with another person, by the like means by which it might be conveyed by him to another person, and may in

Assignment of property to wife or self and others.

like

Imp. Act, s. 50. like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband alone or jointly with another person. R.S.O. 1897, c. 119, s. 37.

RIGHTS OF POSTHUMOUS CHILDREN.

Posthumous children to take estate as if born in their father's lifetime.

Imp. Act, 10 W. 3, c. 22.

37. Where any estate is, by any marriage or other settlement, limited in remainder to, or to the use of, the first or other son or sons of the body of any person lawfully begotten, with any remainder over to, or to the use of, any other person or in remainder to, or to the use of, a daughter lawfully begotten, with any remainder to any other person, any son or daughter of such person lawfully begotten, or to be begotten, that shall be born after the decease of his or her father, shall, by virtue of such settlement, take such estate so limited to the first and other son or daughter, in the same manner as if born in the lifetime of his or her father, although there may be no estate limited to trustees, after the decease of the father, to preserve the contingent remainder to such after born son, or daughter, until he or she come *in esse*, or is born, to take the same. R.S.O. 1897, c. 330, s. 10.

PRODUCTION OF CESTUIS QUE VIE, AND TENANTS FOR LIFE.

Cestuis que vie remaining out of Province for seven years together, and no proof of their lives, to be accounted dead.

18 & 19 Car. 2, c. 11, s. 1.

38. If any person, for whose life an estate is granted, remains out of Ontario, or absents himself therein for the space of seven years together, so that it cannot be ascertained whether he is alive or dead, and no sufficient proof is made of the life of such person in any action commenced for recovery of such estate by the lessor or reversioner, the person upon whose life such estate depended shall be accounted as naturally dead, and in every action brought for the recovery of the estate by the lessor or reversioner, his heirs, or assigns, judgment shall be given accordingly. R.S.O. 1897, c. 330, s. 14. *Amended.*

If the supposed dead man proved to be alive then the title is re-vested. 18 & 19 Car. 2, c. 11, s. 4.

Action for mesne profits with interest.

39. If any person is evicted out of any land by virtue of section 38, and if afterwards the person, upon whose life such estate depends, returns to Ontario, or in any action to be brought for recovery of the same, is shown to be living, or to have been living at the time of the eviction, the tenant or lessee who was ousted, his executors, administrators or assigns, may re-enter, repossess, have, hold, and enjoy, the land in his former estate, for and during the life, or so long a term as the person, upon whose life the estate depends shall be living; and also shall, upon action to be brought by him against the lessor, reversioner, or tenant in possession, or other person, who, since the time of the eviction, received the profits of the land, recover for damages the full profits

thereof,

thereof, with lawful interest for, and from, the time that he was ousted, and kept or held out of the land by such lessor, reversioner, tenant in possession, or other person, whether the person, upon whose life such estate depends is living or dead at the time of bringing of the action. R.S.O. 1897, c. 330, s. 15. *Amended.*

40.—(1) The High Court may, on the application of any person who has any claim or demand in, or to, any remainder, reversion, or expectancy, in, or to, any estate in land, after the death of any person within age, married woman, or any other person whomsoever, upon affidavit made by the person so claiming such estate of his title, and that he has cause to believe that such minor, married woman, or other person, is dead, and that his, or her, death is concealed by the guardian, trustee, husband, or any other person, which application may be made once a year if the person aggrieved shall think fit, order that such guardian, trustee, husband, or other person concealing, or suspected to conceal, such person, do, at such time and place as the Court shall direct, on personal or other due service of such order, produce and show to such person and persons, not exceeding two, as shall in such order be named by the party prosecuting such order such minor, married woman, or other person.

Order for production of person at instance of reversioner, etc.

(2) If such guardian, trustee, husband, or such other person refuses or neglects to produce or show such minor, married woman, or such other person, on whose life any such estate depends, according to the directions of the order, the Court is hereby authorized and required to order such guardian, trustee, husband, or other person, to produce such minor, married woman, or other person concealed, in the Court, or otherwise before commissioners to be appointed by the Court, at such time and place as the Court shall direct, two of which commissioners shall be nominated by the party prosecuting such order, at his costs and charges.

Order for production of person before commissioner.

(3) If such guardian, trustee, husband, or other person, refuses or neglects to produce such minor, married woman, or other person so concealed, in Court, or before such commissioners, whereof return shall be made by such commissioners, and filed in the Central office, in either, or any, of such cases, such minor, married woman, or other person, shall be taken to be dead, and it shall be lawful for any person claiming any right, title, or interest, in remainder or reversion, or otherwise after the death of such minor, married woman or other person, to enter upon such land as if such minor, married woman, or other person were actually dead. R.S.O. 1897, c. 330, s. 16. *Amended.*

Failure to Produce. Person not produced to be taken to be dead.

6 Anne, c. 72 (or c. 18 in Ruffhead's Ed.), s. 1.

Where person required to be produced is out of Ontario.

6 Anne, c. 72
(or c. 18 in
Ruffhead's
Ed.), s. 2.

41. If it appears to the Court by affidavit that such minor, married woman, or other person, is, or lately was, at some certain place out of Ontario in the affidavit to be mentioned, the party prosecuting such order, at his costs and charges, may send over one or both of the persons appointed by the order to view such minor, married woman, or other person, and if such guardian, trustee, husband, or other person, concealing, or suspected to conceal, such person, refuses or neglects to produce, or procure to be produced to such person or persons a personal view of such minor, married woman, or other person, then such person or persons shall make a true return of such refusal or neglect to the Court, which shall be filed in the Central office, and thereupon such minor, married woman, or other person, shall be taken to be dead, and any person claiming any right, title, or interest, in remainder, reversion, or otherwise, after the death of such minor, married woman, or other person, may enter upon such land as if such minor, married woman, or other person were actually dead. R.S.O. 1897, c. 330, s. 17. *Amended.*

When it appears that person required to be produced was alive.

6 Anne, c. 72
(or c. 18 in
Ruffhead's
Ed.), s. 3

42. If it shall afterwards appear upon proof in any action to be brought that such minor, married woman, or other person was alive at the time such order was made, such minor, married woman, guardian, or trustee, or other person, having any estate or interest determinable upon such life, may re-enter upon the land, and may maintain an action against those who, since the order, received the profits thereof, or their executors, or administrators, and recover full damages for the profits of the same received from the time that such minor, married woman, or other person, having any estate or interest determinable upon such life, was ousted of the possession of such land. R.S.O. 1897, c. 330, s. 18. *Amended.*

Where it appears that guardian, etc., cannot produce person who is alive.

6 Anne, c. 72
(or c. 18 in
Ruffhead's
Ed.), s. 4.

43. If any such guardian, trustee, husband, or other person, holding or having any estate or interest determinable upon the life of any other person, shall show, to the satisfaction of the Court, that he has used his utmost endeavour to procure such minor, married woman, or other person, on whose life such estate or interest depends, to appear in Court, or elsewhere according to the order, and that he cannot procure or compel such appearance, and that such minor, married woman, or other person, is living, or was living at the time such return was made and filed, the Court may order that such person may continue in the possession of such estate, and receive the rents and profits thereof, during the infancy of such minor, and the life of any other person, on whose life such estate or interest next depends, as fully as he might have done if this, and the three next preceding sections had not been passed. R.S.O. 1897, c. 330, s. 19. *Amended.*

44. Every person having an estate or interest in land, determinable upon any life, and the guardian or trustee for a minor having such an estate, who, after the determination of such particular estate or interest, without the express consent of the person who is next and immediately entitled upon and after the determination of such particular estate or interest, holds over and continues in possession of any land, shall be deemed a trespasser, and every person entitled to any such land, upon and after the determination of such particular estate or interest, may recover in damages against every such person so holding over, the full value of the profits received during such wrongful possession. R.S.O. 1897, c. 330, s. 20.

Guardians, trustees, etc., holding over without consent of remainderman, etc., deemed trespassers.

6 Anne, c. 72 (or c. 18 in Ruffhead's Ed.) s. 5. Damages.

ASSIGNMENTS OF CHOSSES IN ACTION.

45.—(1) Any absolute assignment, made on or after the 31st day of December, 1897, by writing under the hand of the assignor, not purporting to be by way of charge only, of any debt or other legal chose in action of which express notice in writing shall have been given to the debtor, trustee or other person from whom the assignor would have been entitled to receive or claim such debt or chose in action, shall be effectual in law, subject to all equities which would have been entitled to priority over the right of the assignee if this section had been enacted, to pass and transfer the legal right to such debt or chose in action from the date of such notice, and all legal and other remedies for the same, and the power to give a good discharge for the same without the concurrence of the assignor. R.S.O. 1897, c. 51, s. 58 (5).

Assignment of debt and choses in action.

(2) In case of an assignment of a debt or other chose in action, if the debtor, trustee or other person liable in respect of the debt or chose in action shall have had notice that such assignment is disputed by the assignor or any one claiming under him, or of any other opposing or conflicting claims to such debt or chose in action, he shall be entitled, if he thinks fit, to call upon the several persons making claim thereto to interplead concerning the same, or he may, if he thinks fit, pay the same into the High Court under and in conformity with the provisions of law for the relief of trustees. R.S.O. 1897, c. 51, s. 58 (6).

Where several claimants under assignment.

DEBENTURES OF CORPORATIONS TRANSFERABLE.

46.—(1) The bonds or debentures of a corporation made payable to bearer, or to any person named therein or bearer, may be transferred by delivery, and if payable to any person or order, after general endorsement thereof by such person, shall be transferable by delivery.

Bonds and debentures of corporations.

Holder may maintain action.

(2) Any such transfer shall vest the property in the bond or debenture in the holder thereof and enable him to maintain an action thereon in his own name. R.S.O. 1897, c. 119, s. 38. *Amended.*

AUCTIONS OF ESTATES.

When sale shall be deemed without reserve.

47. Unless in the particulars or conditions of sale by auction of any land it is stated that such land will be sold subject to a reserved price, or to a right of the seller to bid, the sale shall be deemed to be without reserve. R.S.O. 1897, c. 119, s. 22.

Seller not to bid at unreserved sales.

48. Upon any sale of land by auction, without reserve, it shall not be lawful for a seller or for a puffer to bid at such sale, or for the auctioneer to take, knowingly, any bidding from the seller or from a puffer. R.S.O. 1897, c. 119, s. 23.

At reserved sales the seller may bid.

49. Upon any sale of land by auction, subject to a right for the seller to bid, it shall be lawful for the seller or any one puffer to bid at such auction in such manner as the seller may think proper. R.S.O. 1897, c. 119, s. 24.

Seller not authorized to purchase.

50. Nothing in the next preceding three sections shall authorize any seller to become the purchaser at the sale. R.S.O. 1897, c. 119, s. 25.

FRAUDS IN SALES OR MORTGAGES OF PROPERTY.

Liability of vendor or mortgagor for fraudulent concealment of deeds, etc., or falsifying pedigree. Imp. Acts 22-23 V. c. 35, s. 24, and 23-24 V. c. 38, s. 8.

51. If any seller or mortgagor of property or his solicitor or agent conceals any settlement, deed, will or other instrument material to the title, or any incumbrance; from the purchaser or mortgagee, or falsifies any pedigree upon which the title depends or may depend, in order to induce him to accept the title offered or produced to him, with intent to defraud such seller, mortgagor, solicitor or agent, irrespective of any criminal liability he may thereby incur, shall be liable at the suit of the purchaser or mortgagee, or those claiming under him, for any loss sustained by them or either or any of them, in consequence of the settlement, deed, will or other instrument or incumbrance so concealed, or of any claim made by any person under such pedigree, whose right was so concealed by the falsification of such pedigree; and in the case of land in estimating such damages where the property is recovered from such purchaser or mortgagee, or from those claiming under him, regard shall be had to any expenditure by them, or either or any of them, in improvements on the land. R.S.O. 1897, c. 119, s. 39.

EFFECT OF ORDERS OF COURT.

52. An order of the Court under any statutory or other jurisdiction shall not, as against a purchaser, whether with or without notice, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice or service. R.S.O. 1897, c. 51, s. 58 (11).

Order of Court not invalidated as against purchaser for want of jurisdiction, etc.

Repeal.

53. Chapter 119 of the Revised Statutes, 1897 (except sections 14 and 34), and clause 4 of section 57, and clauses 2, 3, 5, 6 and 11 of section 58 of chapter 51, and sections, 5, 10, 14, 15, 16, 17 to 23 and 31 to 33 of chapter 330 of the said Revised Statutes are repealed.

Repeal.

CHAPTER 26.

An Act respecting Trustees and Executors and the Administration of Estates.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.
 INTERPRETATION, s. 2.
 RETIREMENT OF TRUSTEES, s. 3.
 APPOINTMENT OF NEW TRUSTEES,
 s. 4.
 VESTING INSTRUMENTS, s. 5.
 VESTING ORDERS AND ORDERS RE-
 LEASING CONTINGENT RIGHTS,
 AS TO LAND, ss. 6-13.
 APPOINTMENT OF PERSONS TO
 CONVEY, s. 14.
 VESTING ORDERS, AND ORDERS RE-
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 MENT OF TRUSTEE, OR FOR
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 CERTAIN POWERS AND RIGHTS OF
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 s. 67.
 INDEMNITY, s. 68.
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 APPLICATION OF ACT, ss. 70-72
 REPEAL, s. 73.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Trustee Act*. R.S.O. 1897, c. 129, s. 1.

Interpretation. 2. In this Act,—

(a)

(a) "Assign" shall mean and include the execution and performance by a person of every necessary or suitable deed or act for assigning, surrendering, or otherwise transferring land of which such person is possessed, either for the whole estate of the person so possessed, or for any less estate; and "assignment" shall have a corresponding meaning. ^{Assign.} ^{Assignment.}

(b) "Contingent right" as applied to land, shall mean and include a contingent and executory interest, and a possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibility is, or is not, ascertained; also a right of entry, whether immediate or future, vested or contingent. ^{Contingent right.}

(c) "Convey" applied to any person, shall mean and include the execution and delivery by such person of every necessary or suitable assurance for conveying or disposing to another land whereof such person is seized, or wherein he is entitled to a contingent right, either for his whole estate, or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance; and "conveyance" shall have a corresponding meaning. ^{Convey.} ^{Conveyance.}

(d) "Devisee" shall include the heir of a devisee, and the devisee of an heir, and any person who may claim right by devolution of title of a similar description. R.S.O. 1897, c. 336, s. 2, part. *Amended.* ^{Devisee.} ^{Imp. Act, 56-57 Vict. c. 53, s. 50, part.}

(e) "Instrument" shall include a deed, a will and a written document and an Act of the Legislature, but not a judgment or order of a court. (*New.*) See R.S.O. 1897, c. 129, s. 27. ^{Instrument} ^{R.S.O. 1897} ^{c. 129, s. 27.}

(f) "Land" shall include messuages, and all other hereditaments, whether corporeal or incorporeal, chattels and other personal property transmissible to heirs, money to be laid out in the purchase of land, and any share of the same hereditaments and properties, or any of them, and any estate of inheritance, or estate for any life or lives, or other estate transmissible to heirs, and any possibility, right or title of entry or action, and any other interest capable of being inherited, whether the same estates, possibilities, rights, titles and interests, or any of them, are in possession, reversion, remainder or contingency. ^{Land.} ^{10 Edw. VII.} ^{c. 57, s. 2.}

(g) "Lunatic" shall mean any person who has been declared a lunatic. R.S.O. 1897, c. 336, s. 2. ^{Lunatic.}

(h)

Mortgage. (h) "Mortgage" shall be applicable to every estate, interest, or property, in land or personal estate, which is merely a security for money; and "mortgagee" shall have a corresponding meaning and shall include every person deriving title under the original mortgagee. R.S.O. 1897, c. 336, s. 2.

Person of unsound mind. (i) "Person of unsound mind" shall mean any person, not an infant, who, not having been declared a lunatic, is incapable, from infirmity of mind, to manage his own affairs.

Personal estate. (j) "Personal Estate" shall include leasehold estates and other chattels real, and also money, shares of Government and other funds, securities for money (not being real estate), debts, choses in action, rights, credits, goods, and all other property, except real estate, which by law devolves upon the executor or administrator, and any share or interest therein.

Personal representative. (k) "Personal Representative" shall mean and include an executor, an administrator, and an administrator with the will annexed. *New.*

Possessed. (l) "Possessed" shall be applicable to any vested estate less than a life estate, legal or equitable, in possession or in expectancy, in any land.

Securities. (m) "Securities" shall include stocks, funds and shares.

Seized. (n) "Seized" shall be applicable to any vested interest for life, or of a greater description, and shall extend to estates, legal and equitable, in possession, or in futurity, in any land.

Stock. (o) "Stock" shall include fully paid up shares, and any fund, annuity, or security transferable in books kept by any incorporated bank, company or society, or by instrument of transfer, either alone or accompanied by other formalities, and any share or interest therein.

Transfer. (p) "Transfer," in relation to stock, shall include the performance and execution of every deed, power of attorney, act or thing, on the part of the transferor, to effect and complete the title in the transferee.

Trust. (q) "Trust" shall not mean the duties incident to an estate conveyed by way of mortgage; but, with this exception, shall include implied and constructive trusts and cases where the trustee has some beneficial estate or interest in the subject of the trust, and shall extend to, and include, the duties incident to the office of personal representative of a deceased person; and "trustee" shall have a

Trustee.

corresponding

corresponding meaning and shall include a trustee however appointed and several joint trustees.

(r) "Will" shall include a testament, and a codicil, and ^{will.} an appointment by will, or by writing in the nature of a will in exercise of a power, and also a disposition by will and testament, or devise of the custody and tuition of any child, by virtue of *The Infants' Act*, and any other testamentary ^{1 Geo. V.,} disposition. R.S.O. 1897, c. 336, s. 2, *amended.* ^{c. 35.}

RETIREMENT OF TRUSTEES.

3.—(1) Where there are more than two trustees, if one ^{Retirement of} of them by deed declares that he is desirous of being dis- ^{trustees.} charged from the trust, and if his co-trustees and such ^{Imp. Act,} other person, if any, as is empowered to appoint trustees, ^{56-57 Vict.,} consent by deed to the discharge of the trustee, and to the vest- ^{c. 53, s. 11} ing in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall, by the deed, be discharged therefrom under this Act, without any new trustee being appointed in his place.

(2) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3) This section shall not apply to executors or administrators.

APPOINTMENT OF NEW TRUSTEES.

4.—(1) Where a trustee either original or substituted dies ^{Power of ap-} or remains out of Ontario for more than twelve months, or ^{pointing new} desires to be discharged from all or any of the trusts or powers ^{trustees.} reposed in or conferred on him, or refuses or is unfit to act ^{Imp. Act,} therein, or is incapable of acting therein, the person nomi- ^{56-57 Vict.,} nated for the purpose of appointing new trustees by the ^{c. 53, s. 10.} instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, the surviving or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee may by writing appoint another person or other persons to be a trustee or trustees in the place of the trustee dying, remaining out of Ontario, desiring to be discharged, refusing or being unfit or incapable. R.S.O. 1897, c. 129, s. 4, *amended.*

Power of
the Court to
appoint new
trustees.

Imp. Act,
56-57 Vict.,
c. 53, s. 25

(2) Whenever it is expedient to appoint a new trustee, or new trustees, and it is found inexpedient, difficult, or impracticable so to do without the assistance of the Court, the High Court may make an order for the appointment of a new trustee, or new trustees, either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee: and in particular, and without prejudice to the generality of the foregoing provision, the Court may make an order for the appointment of a new trustee in substitution for a trustee who is convicted of an indictable offence, or is bankrupt or insolvent. R.S.O. 1897, c. 336, s. 21 (1).

(3) An order under subsection 2 and any consequential vesting order or conveyance shall not operate further or otherwise as a discharge to any former or continuing trustee than an appointment of new trustees under a power for that purpose contained in an instrument would have operated. R.S.O. 1897, c. 336, s. 21 (2).

(4) Nothing in this section shall give power to appoint a personal representative. R.S.O. 1897, c. 336, s. 21 (3).

Imp. Act,
56-57 Vict.,
c. 53, s. 10.

(5) On the appointment of a new trustee for the whole or any part of trust property:

(a) The number of trustees may be increased; and

(b) A separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property, notwithstanding that no new trustees or trustee are or is to be appointed for other parts of the trust property, and any existing trustee may be appointed or remain one of such separate set of trustees; or, if only one trustee was originally appointed, then one separate trustee may be so appointed for the first mentioned part; and

(c) It shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust; and

(d)

- (d) Any assurance or thing requisite for vesting the trust property, or any part thereof, in the person who is the trustee, or jointly in the persons who are the trustees, shall be executed or done.

(6) Every new trustee so appointed, as well before as after all the trust property becomes by law, or by assurance, or otherwise, vested in him, shall have the same powers, authorities and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(7) The provisions of this section relative to a trustee who is dead shall include the case of a person nominated trustee in a will but dying before the testator, and those relative to a continuing trustee shall include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section.

(8) This section is subject to the provisions of section 2 of the Act passed in the 8th year of the reign of His late Majesty King Edward the Seventh, Chaptered 43, intituled *An Act to amend The Ontario Companies Act. New.*

VESTING INSTRUMENTS.

5.—(1) Where an instrument executed after the first day of July, 1886, by which a new trustee is appointed to perform any trust, contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any personal estate so subject, shall vest in the person or persons who by virtue of such instrument shall become and be the trustee or trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in him, or in them as joint tenants, and for the purposes of the trust, that estate, interest or right.

Vesting of trust property in new or continuing trustees without conveyance.

Imp. Act, 44 and 45 V., c. 41, s. 34.

(2) Where such an instrument by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3) This section shall not extend to land conveyed by way of mortgage for securing money subject to the trust, or to any share, stock, annuity, or property transferable only in books kept by a company or other body, or in manner prescribed by or under an Act of Parliament or of the Legislature.

See 56 & 57 Vict. Imp., c. 53, s. 12 (3).

(4) For the purpose of registration, the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this Act. R.S.O. 1897, c. 129, s. 5, *amended*.

VESTING ORDERS, AND ORDERS RELEASING CONTINGENT RIGHTS, AS TO LAND.

Vesting orders
as to and,
where Court
may make.
Imp. Act.
58-59 Vict.
c. 53, s. 26.

6. In any of the following cases:—

- (i) Where the High Court appoints or has appointed a new trustee; or
- (ii) Where a trustee entitled to, or possessed of, any land, or entitled to a contingent right therein, either solely, or jointly with any other person—
 - (a) is an infant, or
 - (b) is out of Ontario, or
 - (c) cannot be found; or
- (iii) Where it is uncertain who was the survivor of two or more trustees jointly entitled to, or possessed of any land; or
- (iv) Where it is uncertain whether the last trustee known to have been entitled to, or possessed of any land, is living, or dead; or
- (v) Where there is no heir, or personal representative of a trustee who was entitled to, or possessed of land and has died intestate as to that land, or where it is uncertain who is the heir, or personal representative, or devisee of a trustee who was entitled to, or possessed of land and is dead; or
- (vi) Where a trustee jointly, or solely, entitled to, or possessed of any land, or entitled to a contingent right therein, has been required by, or on behalf of a person entitled to require a conveyance of the land, or a release of the right, to convey the land, or to release the right, and has wilfully refused or neglected to convey the land, or release the right for fourteen days after the date of the requirement;

the High Court may make an order (in this Act called a vesting order) vesting the land in any such person in any such manner, and for any such estate, as the Court may direct, or releasing, or disposing of the contingent right to such person as the Court may direct.

Provided that—

(a) Where the order is consequential on the appointment of a new trustee, the land shall be vested, for such estate as the Court may direct, in the persons who, on the appointment, are the trustees; and

(b) Where the order relates to a trustee entitled jointly with another person, and such trustee is out of Ontario, or cannot be found, the land or right shall be vested in such other person, either alone, or with some other person. R.S.O. 1897, c. 336, s. 5.

[For provision as to lunatic trustee or mortgagee, see *Lunacy Act, 9 Edw. VII. c. 37, sec. 26.*]

7. Where any land is subject to a contingent right in an unborn person, or a class of unborn persons, who, on coming into existence would, in respect thereof, become entitled to, or possessed of the land on any trust, the High Court may make an order releasing the land from the contingent right, or may make an order vesting in any person the estate to or of which, the unborn person, or class of unborn persons, would, on coming into existence, be entitled, or possessed in the land. R.S.O. 1897, c. 336, s. 8.

Orders as to contingent rights of unborn persons.

Imp. Act, 56-57 Vict., c. 53, s. 27.

8. Where any person entitled to, or possessed of, land, or entitled to any contingent right in land, by way of security for money, is an infant, the High Court may make an order vesting, or releasing, or disposing of the land or right in like manner as in the case of an infant trustee. R.S.O. 1897, c. 336, s. 9.

Vesting order in place of conveyance by infant mortgagee.

Imp. Act, 56-57 Vict., c. 53, s. 28.

9. Where a mortgagee of land has died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of the mortgage has been paid to a person entitled to receive the same, or that last mentioned person consents to an order for the conveyance of the land the High Court may make an order vesting the land in such person or persons, in such manner, and for such estate as the Court may direct in any of the following cases:—

Vesting order in place of conveyance by heir or devisee of heir, etc., or personal representative of mortgagee.

Imp. Act, 56-57 Vict., c. 53, s. 29.

(a) Where an heir, or personal representative, or devisee, of the mortgagee is out of Ontario, or cannot be found; or

(b)

(b) Where an heir, or personal representative, or devisee of the mortgagee, on demand made by, or on behalf of a person entitled to require a conveyance of the land, has stated in writing that he will not convey the same, or does not convey the same for the space of fourteen days next after a proper deed for conveying the land has been tendered to him by or on behalf of the person so entitled; or

(c) Where it is uncertain which of several devisees of the mortgagee was the survivor; or

(d) Where it is uncertain, as to the survivor of several devisees of the mortgagee, or as to the heir, or personal representative, of the mortgagee, whether he is living, or dead; or

(e) Where there is no heir, or personal representative of a mortgagee who has died intestate as to the land, or where the mortgagee has died and it is uncertain who is his heir, or personal representative, or devisee. R.S.O. 1897, c. 336, s. 10.

Vesting order consequential on judgment for sale, or mortgage of land.

Imp. Act, 56-57 Vict., c. 53, s. 30.

10. Where any court gives a judgment, or makes an order directing the sale, or mortgage of any land, every person who is entitled to or possessed of the land, or entitled to a contingent right therein as heir, or under the will of a deceased person, for payment of whose debts the judgment was given, or order made, and is a party to the action or proceeding in which the judgment, or order, was given, or made, or is otherwise bound by the judgment, or order, shall be deemed to be so entitled, or possessed, as the case may be, as a trustee within the meaning of this Act; and the High Court may make an order vesting the land, or any part thereof, for such estate as that Court thinks fit, in the purchaser, or mortgagee, or in any other person. R.S.O. 1897, c. 336, s. 11.

Vesting order consequential on judgment for specific performance, etc.

Imp. Act, 56-57 Vict., c. 53, s. 31.

11. Where a judgment is given for the specific performance of a contract concerning any land, or for the partition, or sale in lieu of partition, or exchange of any land, or generally, where any judgment is given for the conveyance of any land, either in cases arising out of the doctrine of election, or otherwise, the High Court may declare that any of the parties to the action are trustees of the land, or any part thereof within the meaning of this Act, or may declare that the interests of unborn persons who might claim under any party to the action, or under the will, or voluntary settlement, of any person deceased, who was, during his lifetime a party to the contract or transactions concerning which

the judgment was given, are the interests of persons who, on coming into existence, would be trustees within the meaning of this Act, and thereupon the High Court may make a vesting order relating to the rights of those persons, born and unborn, as if they had been trustees. R.S.O. 1897, c. 336, s. 12.

EFFECT OF VESTING ORDERS OF LAND.

12. A vesting order under any of the foregoing provisions shall, in the case of a vesting order consequential on the appointment of a new trustee, have the same effect as if the persons who before the appointment were the trustees, if any, had duly executed all proper conveyances of the land for such estate as the High Court directs, or if there is no such person, or no such person of full capacity, then as if such person had existed and been of full capacity and had duly executed all proper conveyances of the land for such estate as the Court directs, and shall in every other case have the same effect as if the trustee, or other person, or description or class of persons, to whose rights or supposed rights such provisions relate, had been an ascertained and existing person of full capacity, and had executed a conveyance or release to the effect intended by the order. R.S.O. 1897, c. 336, s. 13.

Effect of vesting order.

Imp. Act.
56-57 Vict.
c. 53, s. 82.

13. Where a vesting order is made as to any land under this Act, founded on an allegation of the personal incapacity of a trustee, or mortgagee, or on an allegation that a trustee, or the heir, or personal representative, or devisee, of a mortgagee is out of Ontario, or cannot be found, or that it is uncertain which of the several trustees, or which of several devisees of a mortgagee was the survivor, or whether the last trustee, or the heir, or personal representative, or last surviving devisee of a mortgagee is living or dead, or on an allegation that any trustee or mortgagee has died intestate without an heir, or has died and it is not known who is his heir, or personal representative, or devisee, the fact that the order has been so made shall be conclusive evidence of the matter so alleged in any court upon any question as to the validity of the order; but this section shall not prevent the High Court from directing a reconveyance, or the payment of costs occasioned by any such order if improperly obtained. R.S.O. 1897, c. 336, s. 26.

Orders made upon certain allegations to be conclusive evidence.

Imp. Act.
56-57 Vict.
c. 53, s. 40.

APPOINTMENT OF PERSONS TO CONVEY.

14. Where a vesting order may be made under any of the foregoing provisions, the High Court may, if it is more convenient, by order appoint a person to convey the land, or release the contingent right, and a conveyance, or release

Power to appoint persons to convey.

by

Imp. Act,
56-57 Vict.,
c. 53, s. 38.

by that person in conformity with the order shall have the same effect as an order under the appropriate provision. R.S.O. 1897, c. 336, s. 14.

VESTING ORDERS, AND ORDERS RELEASING CONTINGENT RIGHTS, AS TO STOCKS, AND CHOSSES IN ACTION.

Vesting orders
as to stock
and choses in
action, when
court may
make.

Imp. Act,
56-57 Vict.,
c. 53, s. 38.

15.—(1) In any of the following cases:—

- (i) Where the High Court appoints, or has appointed, a new trustee; or
- (ii) Where a trustee entitled alone, or jointly with another person, to stock, or to a chose in action—
 - (a) is an infant, or
 - (b) is out of Ontario, or
 - (c) cannot be found, or
 - (d) neglects or refuses to transfer stock, or receive the dividends or income thereof, or to sue for, or recover, a chose in action, according to the direction of the person absolutely entitled thereto, for fourteen days next after a request in writing has been made to him by the person so entitled, or
 - (e) neglects or refuses to transfer stock, or receive the dividends or income thereof, or to sue for, or recover a chose in action for fourteen days next after an order of the High Court for that purpose has been served on him; or
- (iii) Where it is uncertain whether a trustee entitled alone, or jointly with another person to stock, or to a chose in action is alive or dead,

the High Court may make an order vesting the right to transfer, or call for a transfer of stock, or to receive the dividends or income thereof, or to sue for, or recover a chose in action, in any such person as the Court may appoint;

Provided that—

- (a) Where the order is consequential on the appointment by the Court of a new trustee, the right shall be vested in the persons who, on the appointment, are the trustees; and
- (b)

- (b) Where the person whose right is dealt with by the order was entitled jointly with another person, the right shall be vested in that last mentioned person either alone, or jointly with any other person whom the Court may appoint.

(2) Where a vesting order may be made under this section, the Court may, if it is more convenient, appoint some proper person to make, or join in making, the transfer. Appointment of person to transfer.

(3) The person in whom the right to transfer or call for the transfer of any stock is vested by an order of the Court under this Act may transfer the stock to himself, or any other person, according to the order, and all incorporated banks and all companies shall obey every order made under this section. Transfer, how to be made.

(4) After notice in writing of an order under this section it shall not be lawful for any incorporated bank or any company to transfer any stock to which the order relates, or to pay any dividends thereon except in accordance with the order. After notice of order, no transfer to be made contrary thereto.

(5) The High Court may make declarations and give directions concerning the manner in which the right to any stock, or chose in action, vested under the provisions of this Act, is to be exercised. Court may make declaration.

(6) The provisions of this Act as to vesting orders shall apply to shares in ships registered under the Acts relating to merchant shipping, as if they were stock. Ships, shares in. R.S.O. 1897, c. 336, s. 15. Imp. Act, 56-57 Vict., c. 53, s. 35.

[For provision as to lunatic trustee or mortgagee, see *Lunacy Act, 9 Edw. VII., c. 37, s. 27.*]

EFFECT OF VESTING ORDERS OF CHOSSES IN ACTION.

16. Where any order has been made under the provisions of this Act by the High Court vesting the legal right to sue for, or recover any chose in action, or any interest in respect thereof, in any person, he may carry on, commence and prosecute in his own name any action, or proceeding, for the recovery of such chose in action, in the same manner and with the same rights as the person in whose place he has been appointed. R.S.O. 1897, c. 336, s. 18, *amended*. Effect of vesting order.

Imp. Act, 56-57 Vict., c. 53, s. 32.

TRUSTEES FOR CHARITIES.

Court may exercise powers in favour of charities, etc.

Imp. Act, 56-57 Vict., c. 53, s. 39.

17. The High Court may exercise the powers herein conferred for the purpose of vesting any land or personal estate in the trustee of any charity, or society, over which the Court would have jurisdiction upon action duly instituted. R.S.O. 1897, c. 336, s. 27, *amended*.

WHO MAY APPLY.

Who may apply for appointment of new trustee, or vesting order, etc.

Imp. Act 13 & 14 Vict. c. 60, ss. 37, 40 and 41.

18.—(1) An order under this Act for the appointment of a new trustee, or concerning any land or personal estate, subject to a trust, may be made upon the application of any person beneficially interested therein, whether under disability or not, or upon the application of any person duly appointed as a trustee thereof.

(2) An order concerning any land or personal estate, subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the moneys secured by the mortgage.

Application.

(3) Any person entitled may apply, upon notice to such persons as he may think proper, for such an order as he may deem himself entitled to.

Hearing of petition.

(4) Upon the hearing of the application the Court may direct a reference to inquire into any facts which require investigation, or may direct the application to stand over to enable further evidence to be adduced, or further notice to be served. R.S.O. 1897, c. 336, ss. 22, 23 and 24.

CERTAIN POWERS AND RIGHTS OF TRUSTEES.

Purchase and Sale.

Power of trustee for sale to sell by auction, etc.

Imp. Act, 56 & 57 Vict. c. 53, s. 13 part.

19. Subject to the provisions of *The Devolution of Estates Act* where a trust for sale or a power of sale of land or personal estate is vested in a trustee, he may sell or concur with any other person in selling all or any part of the property, either subject to prior charges or not, and either together or in lots, by public auction or by private contract subject to such conditions respecting title or evidence of title or other matter as the trustee thinks fit, with power to vary any contract for sale, and to buy in at any auction, or to rescind any contract for sale and to re-sell, without being answerable for any loss. *New*.

20.—(1) No sale made by a trustee after the 4th day of May, 1891, shall be impeached by any beneficiary upon the ground that any of the conditions subject to which the sale was made, were unnecessarily depreciatory, unless it also appears that the consideration for the sale was thereby rendered inadequate. Sales by trustees not impeachable on certain grounds. Imp. Act, 51-52 Vict., c. 59, s. 8.

(2) No such sale shall after the execution of the conveyance be impeached as against the purchaser upon the ground that any of the conditions subject to which the sale was made were unnecessarily depreciatory, unless it appears that the purchaser was acting in collusion with the trustee at the time when the contract for the sale was made.

(3) No purchaser, upon any such sale, shall make any objection against the title upon this ground. R.S.O. 1897, c. 129, s. 29, *amended*.

Agents.

21.—(1) A trustee may appoint a solicitor to be his agent to receive and give a discharge for any money or valuable consideration or property receivable by the trustee under the trust. Power to authorize receipt of money by banker or solicitor.

(2) A trustee may appoint a banker or solicitor to be his agent to receive and give a discharge for any money payable to the trustee under or by virtue of a policy of assurance or otherwise. Imp. Act, 56-57 Vict., c. 53, s. 17.

(3) A trustee shall not be chargeable with a breach of trust by reason only of his having made or concurred in making any such appointment.

(4) Nothing in this section shall exempt a trustee from any liability which he would have incurred if this Act had not been passed, in case he permits any such money, valuable consideration, or property to remain in the hands or under the control of the banker or solicitor for a period longer than is reasonably necessary to enable the banker or solicitor to pay or transfer the same to the trustee.

(5) This section shall apply only where the money or valuable consideration or property was or is received on or after the 4th day of May, 1891. R.S.O. 1897, c. 129, s. 28, *amended*.

Insurance.

Power to
insure
building.

Imp. Act,
56-57 Vict.,
c. 53, s. 18.

22.—(1) A trustee may insure against loss or damage by fire, tempest or other casualty any building or other insurable property to any amount, including the amount of any insurance already on foot, not exceeding three-fourths of the value of such building or property, and pay the premiums for such insurance out of the income thereof or out of the income of any other property subject to the same trusts, without obtaining the consent of any person who may be entitled wholly or partly to such income.

(2) This section does not apply to any building or property which a trustee is bound forthwith to convey absolutely to any beneficiary upon being requested to do so. R.S.O. 1897, c. 129, s. 31, *amended*.

Renewals of Leases.

Power of
trustees of
renewable
leaseholds to
renew and
raise money
for the
purpose.

Imp. Act,
56 & 57 Vict.
c. 53, s. 19.

23.—(1) A trustee of any leaseholds for lives or years which are renewable from time to time may, if he thinks fit, and shall, if thereto required by any person having any beneficial interest, present or future, or contingent, in the leaseholds, use his best endeavours to obtain from time to time a renewed lease of the same land on reasonable terms, and for that purpose may from time to time make or concur in making a surrender of the lease for the time being subsisting, and do all such other acts as are requisite; Provided that, where by the terms of the settlement or will the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew or to contribute to the expense of renewal, this section shall not apply unless the consent in writing of that person is obtained to the renewal on the part of the trustee.

(2) If money is required to pay for the renewal, the trustee effecting the renewal may pay the same out of any money then in his hands in trust for the persons beneficially interested in the land to be comprised in the renewed lease, and if he has not in his hands sufficient money for the purpose, he may raise the money required by mortgage of the land to be comprised in the renewed lease, or of any other land for the time being subject to the uses or trusts to which that land is subject, and no person advancing money upon a mortgage purporting to be made under this power shall be bound to see that the money is wanted, or that no more is raised than is wanted for the purpose or to see to the due application of the money. *New.*

Passing of Accounts.

24. A trustee desiring to pass the accounts of his dealings with the trust estate may file his accounts in the office of the Surrogate Court of a county or district in which he or a co-trustee is resident or in which any part of the trust estate is situate, and the proceedings and practice upon the passing of such accounts shall be the same and have the like effect as the passing of executors' or administrators' accounts in the Surrogate Court; Provided, however, that in the case of trustees under a will the accounts shall be filed and passed in the office of the Surrogate Court by which probate of the will was granted. 63 V. c. 17, s. 18 (1); 3 Edw. VII. c. 7, s. 26, *amended*. When trustee may file accounts.

Receipts.

25. The payment of any money to and the receipt thereof by any person to whom the same is payable upon any trust, or for any limited purpose, and such payment to and receipt by the survivor or survivors of two or more mortgagees or holders or the executors or administrators of such survivor or their or his assigns, shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof. R.S.O. 1897, c. 129, s. 9, *amended*. [See also 10 Edw. VII., c. 51, s. 10.] Receipts of trustees to be effectual discharges.

Surviving Trustee.

26. Where a power or trust is hereafter given to or vested in two or more trustees jointly, it may be exercised or performed by the survivor or survivors of them for the time being. *New*. Powers of two or more trustees.
Imp. Act, 56 & 57 Vict. c. 53, s. 22.

INVESTMENTS.

27.—(1) A trustee having money in his hands, which it is his duty, or which it is in his discretion to invest at interest, may invest the same in the stock, debentures or securities of the Dominion of Canada, or of Ontario or of any of the other Provinces of Canada or in debentures or securities the payment of which is guaranteed by the Dominion of Canada or by Ontario or by any of the other Provinces of Canada or in the debentures of any municipal corporation in Ontario, including debentures issued for public school purposes; or in securities which are a first charge on land held in fee simple in Ontario, Manitoba, Saskatchewan or Alberta, provided that such investments are in other respects reasonable and proper. Trustees or executors may invest trust moneys in certain securities.
Imp. Act, 23-24 Vict., c. 145, s. 25.

Existing
investments
legalized.

(2) Subject to the proviso in subsection 1, any money already invested in any such stock, debentures or securities shall be deemed to have been lawfully and properly invested. R.S.O. 1897, c. 130, s. 2 (1); 63 V. c. 18, s. 1; 7 Edw. VII. c. 23, s. 2; 9 Edw. VII. c. 59, s. 4. *Amended.*

[*As to investments by Trust Companies see 1 Geo. V., c. 17, s. 69.*]

Investment
of trust
funds.

28.—(1) A trustee may deposit money with any of the societies or companies hereinafter mentioned, or may invest any money, which it is his duty, or which it is in his discretion to invest at interest, in terminable debentures or debenture stock of any such society or company, provided that such deposit or investment is in other respects reasonable and proper, and that the debentures are registered, and are transferable only on the books of the society or company in his name as trustee for the particular trust estate for which they are held, and that the deposit account in the society's or company's ledger is in the name of the trustee for the particular trust estate for which it is held and the deposit receipt or pass book is not transferable by endorsement or otherwise. 7 Edw. VII. c. 28, s. 1. 9 Edw. VII. c. 59, s. 5 (1) *amended.*

(a) Any incorporated society or company authorized to lend money upon mortgages on real estate, or for that purpose and other purposes, having a capitalized, fixed, paid up and permanent stock not liable to be withdrawn therefrom of not less than \$400,000, and a reserve fund of not less than 25 per cent. of its paid up capital, and the stock of which has a market value of not less than 7 per cent. premium. R.S.O. 1897, c. 130, s. 5 (1), cl. a; 62 V. (2), c. 11, s. 32; 1 Edw. VII. c. 14, s. 1; 9 Edw. VII. c. 59, s. 5 (1) (a).

(b) Any society or company heretofore incorporated under Chapter 164 of the Revised Statutes of Ontario, 1877, or any Act incorporated therewith, or under Chapter 169 of the Revised Statutes of Ontario, 1887, having a capitalized, fixed, paid up, and permanent stock not liable to be withdrawn therefrom of not less than \$200,000, and a reserve fund of not less than 15 per cent. of its paid up capital, and the stock of which has a market value of not less than 7 per cent. premium. R.S.O. 1897, c. 130, s. 5 (1) cl. b; 62 V. (2), c. 11, s. 32; 3 Edw. VII. c. 7, s. 25. 9 Edw. VII. c. 59, s. 5, (1), (b).

(2) Clause (a) shall not apply to any society or company which has not the approval of the Lieutenant-Governor in Council as one coming within the provisions of that clause, and as one in the debentures or debenture stock of which trustees may invest or with which they may deposit money. 9 Edw. VII. c. 59, s. 5 (2-3). Companies in which funds invested to be approved by Lieutenant-Governor.

(3) Such approval shall not be given with respect to any society or company which does not appear to have kept strictly within its legal powers as to borrowing and investing. R.S.O. 1897, c. 130, s. 6, *amended*. 9 Edw. VII. c. 59, s. 5 (2-3). Investments in other companies prohibited.

(4) An Order in Council made under the authority of subsection 2 may at any time be revoked. R.S.O. 1897, c. 130, s. 7, *amended*. 9 Edw. VII. c. 59, s. 5. Revocation of Order in Council approving of investments.

29. A trustee may from time to time vary or transpose any securities in which money in his hands is invested whether under the authority of this Act or otherwise into or for any other securities of any nature authorized by this Act. *See* R.S.O. 1897, c. 130, s. 5 (2); 9 Edw. VII. c. 59, s. 6. Power to vary or transpose securities.

30. A trustee lending money upon the security of any property upon which he may lawfully lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed one-half of the value of the property as stated in the report and that it was made under the advice of the valuator expressed in the report. R.S.O. 1897, c. 130, s. 8 (1); 9 Edw. VII. c. 59, s. 7. When trustee not chargeable for lending on insufficient security. Imp. Act, 51-52 Vict., c. 59, s. 4.

31. Where a trustee has improperly advanced money on a mortgage security which would at the time of the investment have been a proper investment in all respects for a less sum than was actually advanced, the security shall be deemed an authorized investment for such less sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest. R.S.O. 1897, c. 130, s. 9 (1). 9 Edw. VII. c. 59, s. 8. Trustee lending more than authorized amount. Imp. Act, 51-52 Vict., c. 59, s. 5.

Application of
secs. 80 and
81.

32. Sections 30 and 31 shall apply to transfers of existing securities as well as to new securities, and to investments made as well before as on and after the 4th day of May, 1891, unless some action or other proceeding was pending with reference thereto at that date. R.S.O. 1897, c. 130, s. 8 (2); 9 Edw. VII. c. 59, s. 9.

Liability in
case of change
of character of
investment.

Imp. Act,
57 Vict.,
c. 10, s. 4.

33. A trustee shall not be chargeable with breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorized by the instrument of trust or by the general law; and this provision shall apply to cases arising either before or after the passing of this Act. 63 V. c. 18, s. 2. 9 Edw. VII. c. 59, s. 9.

[As to investment of moneys received for infants under Life Assurance Policies, see R.S.O. 1897, c. 203, s. 155, sub-s. 5.]

PROTECTION AND INDEMNITY.

Implied
indemnity of
trustees.

Imp. Act,
56-57 Vict.,
c. 53, s. 24.

34. A trustee shall be chargeable only for money and securities actually received by him notwithstanding his signing any receipt for the sake of conformity, and shall be answerable and accountable only for his own acts, receipts, neglects, or defaults, and not for those of any other trustee, nor for any banker, broker, or other person with whom any trust moneys, or securities may be deposited, nor for the insufficiency or deficiency of any securities, nor for any other loss, unless the same happens through his own wilful default; and may reimburse himself or pay or discharge out of the trust property, all expenses incurred in or about the execution of his trust or powers. See R.S.O. c. 129, s. 3.

[Note.—As to payments made and acts done under revoked powers of attorney, see 10 Edw. VII. c. 47, s. 3.]

Trustees com-
mitting breach
of trust at
instigation of
beneficiary.
Imp. Act,
56-57 Vict.,
c. 53, s. 45.

35. (1) Where a trustee commits a breach of trust at the instigation or request or with the consent in writing of a beneficiary, the High Court may make such order as to the Court seems just, for impounding all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or person claiming through him.

(2) This section shall apply notwithstanding that the beneficiary is a married woman entitled for her separate use and restrained from anticipation. R.S.O. 1897, c. 129, s. 30 (1) *amended*.

TECHNICAL BREACHES OF TRUST.

Relief of
trustees
committing
technical
breach of
trust.

36. If in any proceeding affecting a trustee or trust property it appears to the court that a trustee, or that any person who may be held to be fiduciarily responsible as a trustee, is or may be personally liable for any breach of trust when-

ever

ever the transaction alleged or found to be a breach of trust occurred, but has acted honestly and reasonably, and ought fairly to be excused for the breach of trust, and for omitting to obtain the directions of the court in the matter in which he committed such breach, the court may relieve the trustee either wholly or partly from personal liability for the same. 62 V. (2), c. 15, s. 1.

[As to limitation of actions against trustees, see *Limitations Act, 10 Edw. VII., c. 34, ss. 46-48.*]

PAYMENT INTO COURT.

37.—(1) Where any money or securities belonging to a trust are in the hands or under the control of or are vested in a sole trustee or several trustees and it is the desire of such trustee or of the majority of such trustees to pay the money into, or to deposit the securities in court, the High Court on an *ex parte* application in Chambers may order the payment into, or deposit in court to be made by the sole trustee, or by the majority of the trustees without the concurrence of the other or others if such concurrence cannot be obtained. R.S.O. 1897, c. 336, s. 4 (1 and 3), *amended*.

Payment into court by trustees of trust funds or securities.
Imp. Act, 59-60 Vict., c. 35, s. 3.
56-57 Vict., c. 53, s. 42.

(2) A Surrogate Court Judge may make the like order where, in passing accounts before him, it appears to him that an executor, administrator, guardian or trustee has money or securities in his hands belonging to an infant, lunatic, or person of unsound mind, or to a beneficiary whose address is unknown; and such order shall be entered in the Chamber Book of the High Court at Osgoode Hall and in the case of an infant shall state his name and age and shall be served upon the Official Guardian. 3 Edw. VII. c. 7, s. 50.

(3) Where any such money, or securities, are deposited with a banker, or broker, or other depository, the Court may order payment, or delivery thereof to the majority of the trustees for the purpose of payment into, or deposit in court, and every transfer, payment, and delivery, made in pursuance of such order, shall be valid and take effect as if the same had been made on the authority, or by the act, of all the persons entitled to the money and securities, so transferred, paid, or delivered. R.S.O. 1897, c. 336, s. 4.

Imp. Act, 56-57 Vict., c. 53, s. 42.

(4) Any person with whom trust money or securities have been deposited or to whose hands trust money or securities have come, where the trustee has been absent from Ontario for a year and is not likely to return at an early date, or in the event of the trustee's death, or where the

Payment into court by persons holding trust moneys for trustee.

trustee

trustee in Ontario cannot give an acquittance of the money or securities, may make an application similar to that authorized by subsection 1. 62 V. (2), c. 15, s. 3, *amended*.

Moneys charged on land, stock, etc., to which infant, or lunatic, entitled, may be paid into Court.

Imp. Act, 13 & 14 Vict. c. 60, s. 48.

(5) Where an infant, lunatic, or person of unsound mind, is entitled to any money payable in discharge of any land or personal estate, conveyed, assigned, or transferred, under this Act, the person by whom such money is payable may pay the same into the High Court in trust in any cause then depending concerning such money, or, if there is no such cause, to the credit of such infant, lunatic, or person of unsound mind. R.S.O. 1897, c. 336, s. 20, *amended*.

Certificate of officer as discharge.

(6) The certificate or receipt of the proper officer shall be a sufficient discharge for the money, or securities, so paid into, or deposited in court.

(7) Money or securities ordered to be paid into, or deposited in court, shall, subject to Rules of Court, be dealt with according to the order of the court. R.S.O. 1897, c. 336, s. 4, *amended*.

PROCEDURE ON PAYING MONEY INTO COURT.

Applications to pay money into Court under Trustee Relief Act, how to be made.

38.—(1) Subject to Rules of Court the following procedure shall be observed:—

On an application to pay money into or to deposit securities in court under this Act, the applicant shall file an affidavit entitled in the High Court of Justice, “In the matter of (*specifying shortly the trust and the instrument creating it*),” which affidavit shall set forth:—

- (i). The deponent’s name and address.
- (ii) The amount and description of the money or securities in question.
- (iii) A statement whether the estate or succession duty (if chargeable) or any part thereof has been paid.
- (iv) The names and addresses, as far as known to the deponent, of all persons interested in, or entitled to the money or securities in question; and to the best of his knowledge and belief whether or not such persons are under any disability, by reason of infancy, or unsoundness of mind.

(v)

- (v) His submission to answer all such questions relating to the application of the money and securities in question as the Court or a Judge thereof may make or direct.
- (vi) The place where he is to be served with any petition, notice, or other proceeding, relating to the money or securities in question.
- (vii) A concise statement of the reason why the application is made and of the material facts.

(2) Every order made on such application shall direct the applicant forthwith to give notice thereof, by registered post, to the several persons who are as stated in his affidavit interested in, or entitled to the money or securities paid into, or deposited in court, except such as are infants, lunatics, or persons of unsound mind, for whom notice shall be given to the Official Guardian.

(3) It shall be the duty of the Official Guardian, whenever practicable, forthwith to communicate to the parents, guardians, or committee of any person, on whose behalf he may be so notified, the contents of such order. Notice of Order.

(4) The notice of an order may be in the following form:

In the High Court of Justice.

In the matter of (*specifying trusts, etc., as in the affidavit*).

Take notice that pursuant to the order of the Court dated the
 day of I have paid into Court to the credit of
 the above mentioned matter \$ [or I have deposited
 in Court to the credit of the above mentioned matter the following
 securities (*specifying them*)] in which money [or securities] you
 appear to be interested as (*stating shortly how, e.g., as legatee under
 the will of A.B.*)

Dated this

day of

19 .

*Signature of applicant, in person,
 or by his Solicitor.*

(5) Notice of all applications respecting money or securities paid into, or deposited in, court under this Act shall be served on the trustee, and the persons directed to be notified of such payment or deposit, unless such service is dispensed with by the court. R.S.O. 1897. c. 336, s. 30, *Amended.*

PERSONAL REPRESENTATIVES AND DEVISEES IN TRUST.

Removal of Personal Representatives.

Power of
Court to
remove.

39.—(1) The High Court may remove a personal representative upon any ground upon which such Court may remove any other trustee, and may appoint some other proper person or persons to act in the place of the executor or administrator so removed.

10 Edw. VII.
c. 81.

(2) Any person so appointed shall unless the Court otherwise orders give such security as he would be required to give if letters of administration were granted to him under *The Surrogate Courts Act*.

Who may
apply.

(3) The order may be made upon the application of any executor or administrator desiring to be relieved from the duties of the office, or of any executor or administrator complaining of the conduct of a co-executor or co-administrator, or of any person interested in the estate of the deceased.

Rev. Stat.
c. 51.
Procedure.

(4) Subject to any rules to be made under *The Ontario Judicature Act*, the practice in force for the removal of any other trustee shall be applicable to proceedings to be taken in the High Court under this section.

When new
appoint-
ment un-
necessary.

(5) Where the executor or administrator removed is not a sole executor or administrator the Court need not, unless it sees fit, appoint any person to act in the room of the person removed, and if no such appointment is made the rights and estate of the executor or administrator removed shall pass to the remaining executor or administrator as if the person so removed had died.

Executor of
executor.

(6) The executor of any person appointed an executor under this section shall not by virtue of such executorship be an executor of the estate of which his testator was appointed executor under this section, whether such person acted alone or was the last survivor of several executors.

Copy of order
to be filed
with Surro-
gate Clerk.

(7) A certified copy of the order of removal shall be filed with the Surrogate Clerk, and another copy with the Registrar of the Surrogate Court by which probate or administration was granted, and such officers shall, at or upon the entry of the grant in the registers of their respective offices, make

in

in red ink a short note giving the date and effect of the order, and shall also make a reference thereto in the index of the register at the place where such grant is indexed. R.S.O. 1897, c. 51, s. 39.

(8) The date of the grant shall be endorsed on the copy of the order filed with the Surrogate Clerk. 63 V. c. 17, s. 7.

RIGHTS AND LIABILITIES OF PERSONAL REPRESENTATIVES.

40.—(1) Except in cases of libel and slander, the executor or administrator of any deceased person may maintain an action for all torts or injuries to the person or to the property of the deceased, in the same manner, and with the same rights and remedies as the deceased would, if living, have been entitled to do; and the damages when recovered shall form part of the personal estate of the deceased. R.S.O. 1897, c. 129, s. 10.

Actions by
executors and
administrators
for torts.

(2) Except in cases of libel and slander, if a deceased person committed a wrong to another in respect of his person or property, the person wronged may maintain an action against the executor or administrator of the person who committed the wrong. R.S.O. 1897, c. 129, s. 11.

Actions
against
executors and
administrators
for torts.

(3) An action under this section shall not be brought after the expiration of one year from the death of the deceased. R.S.O. 1897, c. 129, ss. 10 and 11.

Limitation
of actions.

[As to actions and distress for rent by personal representatives, see *The Landlord and Tenant Act*, 1 Geo. V. c. 37, s. 59, and as to liability of personal representatives of a deceased joint contractor, see *Mercantile Law Amendment Act*, 10 Edw. VII., c. 68, s. 5.]

41. A personal representative shall have an action of account as the testator or intestate might have had if he had lived. R.S.O. 1897, c. 337, s. 10. *Amended.*

Executor to
have action
of account.
18 Edw. I.
(St. of West-
minster, Sec.)
c. 28.

[As to assignment and discharge of mortgages by executors, etc., see *The Mortgages Act*, 10 Edw. VII., c. 51, s. 9; 1 Geo. V., c. 17, s. 31.]

42. Subject to the provisions of *The Devolution of* ^{10 Edw. VII., c. 56.} *Estates Act*, where a testator by his will devises or directs lands to be sold by his executors, a sale may be validly made by such one or more of the executors to whom probate of the will has been granted, and a conveyance by such executor or ^{21 Henry VIII., c. 4, s. 1.} executors

Executors
proving will
to have power
to sell.
21 Henry
VIII., c. 4,
s. 1.

executors

executors shall be as valid and effectual as if all the executors named in the will had joined therein. R.S.O. 1897, c. 337, s. 12.

Execution of Powers.

Direction to sell, etc., may be exercised by executor when no other person is appointed to exercise same.

43. Where there is in a will a direction, express or implied, to sell, dispose of, appoint, mortgage, incumber or lease any land, and no person is by the will or otherwise by the testator appointed to execute and carry the same into effect, the executor, if any, named in such will may execute and carry into effect every such direction in respect of such land, and any estate or interest therein, in the same manner, and with the same effect, as if he had been appointed by the testator for that purpose. R.S.O. 1897, c. 129, s. 21. *Amended.*

Administrator with will annexed may exercise powers of sale given to the executor.

Or when no one named in the will to execute powers of sale, etc.

44. Where from any cause a Court of competent jurisdiction has committed to a person, who has given security to the satisfaction of such Court for his dealing with such land and its proceeds, letters of administration with a will annexed which contains an express or implied power to sell, dispose of, appoint, mortgage, incumber or lease any land, whether such power is conferred on an executor named in the will or the testator has not by the will or otherwise appointed a person to execute it, the administrator may exercise the power in respect of such land in the same manner and with the same effect as if he had been appointed by the testator for that purpose. R.S.O. 1897, c. 129, ss. 22 and 23.

Contract of Deceased.

Executors, etc., may convey in pursuance of a contract for sale made by deceased.

45. Where any person has entered into a contract in writing for the sale and conveyance of land, and such person has died intestate, or without providing by will for the conveyance of such land to the person entitled or to become entitled to such conveyance, if the deceased would be bound, were he alive, to execute a conveyance, his personal representative shall make and give to the person entitled to the same a good and sufficient conveyance of such land, of such nature as the deceased, if living, would be liable to give, but without covenants, except as against the acts of the grantor; and the conveyance shall be as valid and effectual as if the deceased were alive at the time of the making thereof, and had executed the same, but shall not have any further validity or effect. R.S.O. 1897, c. 129, s. 24.

Devises in Trust.

46.—(1) Subject to the provisions of *The Devolution of* ^{10 Edw. VII. c. 56.} *Estates Act*, where by any will coming into operation after the eighteenth day of September, 1865, a testator charges his land, or any specific part thereof with the payment of his debts or with the payment of any legacy or other specific sum of money, and devises the land so charged to a trustee for the whole of his estate or interest therein, and does not make any express provision for the raising of such debt, legacy or sum of money out of such land, the devisee in trust, notwithstanding any trusts actually declared by the testator, may raise such debt, legacy or money by a sale and absolute disposition, by public auction or private contract, of such land or any part thereof, or by a mortgage of the same, or partly by one mode and partly by the other, and in any mortgage so executed may agree to such rate of interest and such period of repayment as he may think proper. R.S.O. 1897, c. 129, s. 16. *Amended.*

(2) The powers conferred by this section shall extend to every person in whom the land devised is for the time being vested by survivorship, descent or devise, and to any person appointed under any power in the will or by the High Court to succeed to the trusteeship vested in such devisee in trust. R.S.O. 1897, c. 129, s. 17. *Amended.*

(3) If a testator who creates such a charge does not devise the land so charged in such terms that his whole estate and interest therein become vested in a trustee, the executor for the time being named in the will, if any, shall have the like power of raising money as is hereinbefore conferred upon the devisee in trust; and such power shall from time to time devolve upon and become vested in the person in whom the executorship is for the time being vested.

(4) Any sale or mortgage under this section shall operate only on the estate and interest of the testator. R.S.O. 1897, c. 129, s. 18. *Amended.*

(5) Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by this section, or any of them, have been duly and correctly exercised by the person acting in virtue thereof. R.S.O. 1897, c. 129, s. 19. *Amended.*

(6) This section shall not extend to a devise to any person in fee or in tail, or for the testator's whole estate and interest charged with debts or legacies, or affect the power of any such devisee to sell or mortgage. R.S.O. 1897, c. 129, s. 20. *Amended.*

Duties and liabilities of an executor and administrator acting under the powers in this Act.

47. Every personal representative, as respects the additional powers vested in him by this Act, and any money or assets by him received in consequence of the exercise of such powers, shall be subject to all the liabilities, and compellable to discharge all the duties which, as respects the acts to be done by him under such powers, would have been imposed upon a person appointed by the testator, or would have been imposed by law upon any person appointed by law, or by any Court of competent jurisdiction to execute such power. R.S.O. 1897, c. 129, s. 25. *Amended.*

Powers given by this Act to two or more to survive.

48. Where there are several personal representatives, and one or more of them die, the powers conferred upon them by this Act shall vest in the survivor or survivors. R.S.O. 1897, c. 129, s. 26.

EFFECT OF REVOCATION OF AN ERRONEOUS GRANT.

Acts done valid.

49.—(1) Where a Court of competent jurisdiction has admitted a will to probate, or has appointed an administrator, notwithstanding that the grant of probate or the appointment may be subsequently revoked as having been erroneously made, all acts done under the authority of such probate or appointment, including all payments made in good faith to or by the personal representative, shall be as valid and effectual as if the same had been rightly granted or made.

Recovery of property.

Provided that upon revocation of the probate or appointment in cases of an erroneous presumption of death, the supposed decedent, and in other cases the new personal representative may, subject to the provisions of subsections 2 and 3, recover from the person who acted under the revoked grant or appointment any part of the estate remaining in his hands or appointment any part of the estate remaining in his hands as a devisee, legatee or one of the next of kin, or as a husband or wife of the decedent or supposed decedent, the part so received or the value thereof. R.S.O. 1897, c. 131, ss. 1 and 2.

10 Edw. VII., c. 34.

Expenses.

(2) The person acting under the revoked probate or appointment may retain out of any part of the estate remaining in his hands undistributed his proper costs and expenses incurred in the administration. R.S.O. 1897, c. 131, s. 3.

(3) Nothing in this section shall protect any person acting ^{Fraud.} as personal representative where he has been party or privy to any fraud whereby the grant or appointment has been obtained, or after he has become aware of any fact by reason of which revocation thereof is ordered, unless in the latter case he acts in pursuance of a contract for valuable consideration and otherwise binding made before he became aware of such fact. R.S.O. 1897, c. 131, s. 4. *Amended.*

50. All persons making or permitting to be made any payment or transfer in good faith upon any probate or letters of administration granted by any Surrogate Court in Ontario, in respect of the estate of the deceased, shall be indemnified and protected in so doing, notwithstanding any defect or circumstance affecting the validity of the probate or letters of administration. R.S.O. 1897, c. 59, ss. 63 and 64. *Amended.*

Persons making payments, etc., under revoked probate or administration protected.

ADMINISTRATION OF ESTATES.

51.—(1) A personal representative may pay or allow any debt or claim on any evidence that he thinks sufficient. ^{Power for executors and trustees to compound, etc. Imp. Act, 56-57 Vict., c. 58, s. 21.}

(2) A personal representative or two or more trustees acting together, or a sole acting trustee where by the instrument, if any, creating the trust a sole trustee is authorized to execute the trusts and powers thereof, may, if and as he or they may think fit, accept any composition or any security, real or personal, for any debt or for any property, real or personal claimed, and may allow any time for payment for any debt, and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the testator's or intestate's estate or to the trust, and for any of these purposes may enter into, give, execute, and do such agreements, instruments of composition or arrangement, releases, and other things as to him or them seem expedient, without being responsible for any loss occasioned by any act or thing done by him or them in good faith. R.S.O. 1897, c. 129, s. 33; 62 V. (2), c. 15, s. 2. *Amended.*

52. On the administration of the estate of a deceased person, in the case of a deficiency of assets, debts due to the Crown and to the personal representative of the deceased person, and debts to others, including therein debts by judgment or order, and other debts of record, debts by specialty, simple contract debts, and such claims for damages

In case of deficiency of assets, debts to rank *pari passu*.

Not to affect
liens.

as are payable in like order of administration as simple contract debts shall be paid *pari passu* and without any preference or priority of debts of one rank or nature over those of another; but nothing herein shall prejudice any lien existing during the lifetime of the debtor on any of his real or personal property. R.S.O. 1897, c. 129, s. 34.

As to liability
of executor or
administrator
in respect of
covenants,
etc., in leases.
Imp. Act,
22-23 Vict.,
c. 35, s. 27.

53.—(1) Where a personal representative, liable as such to the rents, or upon the covenants or agreements contained in a lease or agreement for a lease granted or assigned to the testator or intestate has satisfied all liabilities under the lease or agreement for a lease, which accrued due and were claimed up to the time of the assignment hereinafter mentioned, and has set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised, or agreed to be demised, although the period for laying out the same may not have arrived, and has assigned the lease, or agreement for lease, to a purchaser thereof, he may distribute the residuary estate of the deceased to and among the parties entitled thereto, without appropriating any part, or any further part thereof, as the case may be, to meet any future liability under such lease, or agreement for lease.

(2) The personal representative so distributing the residuary estate shall not be personally liable in respect of any subsequent claim under the lease, or agreement for lease.

(3) Nothing in this section shall prejudice the right of the lessor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or amongst whom they have been distributed. R.S.O. 1897, c. 129, s. 36.

As to liability
of executor in
respect of
rents, etc., in
conveyances
on rent-
charge, etc.
Imp. Act,
22-23 Vict.,
c. 35, s. 28.

54.—(1) Where a personal representative, liable as such to the rent or upon the covenants or agreements contained in any conveyance on chief rent or rent-charge, whether any such rent is by limitation of use, grant or reservation, or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate has satisfied all liabilities under the conveyance, or agreement for a conveyance, which accrued due and were claimed up to the time of the conveyance by him hereinafter mentioned, and has set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum

covenanted

covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed, although the period for laying out the same may not have arrived, and has conveyed such property, or assigned such agreement for conveyance to a purchaser thereof, he may distribute the residuary estate of the deceased to and amongst the persons entitled thereto, without appropriating any part, or any further part thereof, as the case may be, to meet any further liability under such conveyance, or agreement for conveyance.

(2) A personal representative so distributing the residuary estate shall not be personally liable in respect of any subsequent claim under the conveyance, or agreement for conveyance.

(3) Nothing in this section shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or amongst whom they have been distributed. R.S.O. 1897, c. 129, s. 37.

55.—(1) Where a trustee or assignee acting under the trusts of a deed or assignment for the benefit of creditors generally, or of a particular class or classes of creditors, where the creditors are not designated by name therein, or a personal representative has given such or the like notices as, in the opinion of the court in which such trustee, assignee, or personal representative is sought to be charged, would have been directed to be given by the High Court in an action for the execution of the trusts of such deed or assignment, or in an administration suit, for creditors and others to send in to such trustee, assignee, or personal representative, their claims against the person for the benefit of whose creditors such deed or assignment is made, or against the estate of the testator or intestate as the case may be, at the expiration of the time named in the notices, or the last of the notices, for sending in such claims, he may distribute the proceeds of the trust estate, or the assets of the testator or intestate as the case may be, or any part thereof amongst the persons entitled thereto, having regard to the claims of which he has then notice, and shall not be liable for the proceeds of the trust estate, or assets, or any part thereof, so distributed to any person of whose claim he had not notice at the time of the distribution.

Distribution
of assets under
trust deeds for
benefit of
creditors, or
of the assets
of the testator
or intestate
after notice
given by
trustee,
assignee,
executor or
administrator.

(2) Nothing in this section shall prejudice the right of any creditor or claimant to follow the proceeds of the trust estate or assets, or any part thereof, into the hands of persons who have received the same. R.S.O. 1897, c. 129, s. 38.
Amended.

[As to contested claims see *The Surrogate Courts Act*. 10 Edw. VII., c. 31, s. 69; as re-enacted by 1 Geo. V., c. 18, s. 3.]

Property subject to power, when to be assets.

Exercise of
general power
by will,
effect of.
3 W. & M.
2. 14.

56. Property over which a deceased person had a general power of appointment which he might have exercised for his own benefit without the assent of any other person, shall be assets for the payment of his debts, where the same is appointed by his will; and, under an execution against the personal representatives of such deceased person, such assets may be seized and sold, after the deceased person's own property has been exhausted. R.S.O. 1897, c. 337, s. 20.

UNDISPOSED OF RESIDUE.

Executor
to be
trustee of
residue for
next of kin.
10 Edw. VII.,
c. 56.

57.—(1) When a person dies having by will appointed an executor, such executor, in respect of any residue not expressly disposed of, shall be deemed to be a trustee for the person (if any) who would be entitled to the estate under *The Devolution of Estates Act* in case of an intestacy, unless it appears by the will that the executor was intended to take such residue beneficially. R.S.O. 1897, c. 337, s. 14.

Imp. Act,
11 Geo. IV,
and 1 W. IV.
c. 40, s. 1.

Where there
is no
person entitled
to the
residue.

(2) Nothing in this section shall prejudice any right in respect of any residue not expressly disposed of, to which, if this Act had not been passed, an executor would have been entitled where there is not any person who would be entitled to the testator's estate under *The Devolution of Estates Act* in case of an intestacy. R.S.O. 1897, c. 337, s. 15.

Imp. Act,
11 Geo. IV,
and 1 W. IV.
c. 40, s. 2.

RIGHTS AND LIABILITY OF REPRESENTATIVES OF EXECUTORS AND ADMINISTRATORS.

Executors of
executors to
have rights
and liabilities
of first
executors.

58. Executors of executors shall have the same actions for the debts and property of the first testator as he would have had if in life; and shall be answerable for such of the debts and property of the first testator as they shall recover as the first executors would be if they had recovered the same. R.S.O. 1897, c. 337, s. 13.

See 25 Edw.
III., Stat. 5,
c. 5.

Executors, etc.,
of executors
in their own
wrong wasting
goods of the
deceased, liable
as their
testator, etc.
30 Car. II.
c. 7, s. 1.
4 W. & M.
c. 24, s. 12.

59. The personal representative of any person who, as executor or as executor in his own wrong, or as administrator, wastes or converts to his own use any part of the estate of any deceased person, shall be liable and chargeable in the same manner as his testator or intestate would have been if he had been living. R.S.O. 1897, c. 337, ss. 16 and 17. *Amended.*

CONVEYANCE OF LANDS SOLD FOR DEBTS.

60.—(1) Where an action or proceeding is instituted in any court for the payment of any debts of any person deceased to which the estate may be subject or liable, and such court orders the estate liable to such debts, or any of them, to be sold or mortgaged, for satisfaction of such debts, and by reason of the infancy of any heir, or devisee, an immediate conveyance thereof cannot be compelled, such court shall direct, and if necessary, compel, such infant to convey such estate so to be sold, or mortgaged, by all proper assurances to the purchaser, or mortgagee thereof, and in such manner as the Court shall deem proper and direct, and every such infant shall make such conveyance, or mortgage, accordingly.

(2) Every such conveyance, or mortgage, shall be as valid and effectual as if such infant was, at the time of executing the same, of the full age of twenty-one years.

Imp. Act,
11 Geo. IV.,
and 1 W. IV.,
c. 47, s. 11,
as amended by
2 and 3 Vict.
c. 60, s. 1.

(3) The surplus money from such sale, or mortgage, shall descend in the same manner as the estates so sold, or mortgaged, would have done. R.S.O. 1897, c. 337, s. 18.

Surplus to
descend as
land would
have done.
Imp. Act,
2 and 3 Vict.
c. 60, s. 2.

61. Where land is devised in settlement by any person whose estate is by law liable to the payment of any of his debts, and by such devise is vested in any person for life, or other limited interest, with any remainder, limitation, or gift over, which may not be vested, or may be vested in some person from whom a conveyance or other assurance of the same cannot be obtained, or by way of executory devise, and an order is made for the sale thereof for the payment of such debts, or any of them, the court may direct the tenant for life, or other person having a limited interest, or the first executory devisee thereof, to convey, release, assign, surrender, or otherwise assure the fee simple, or other the whole interest so to be sold, to the purchaser, or in such manner as the court may deem proper; and every such conveyance, release, surrender, assignment, or other assurance, shall be as effectual as if the person who makes and executes the same was seized, or possessed of the fee simple, or other whole estate, so to be sold. R.S.O. 1897, c. 337, s. 19, *amended*.

Persons hav-
ing a life
interest may,
by order of
the Court,
convey the fee
of estates
ordered to be
sold for pay-
ment of debts.

Imp. Act,
11 Geo. IV.,
and 1 W. IV.,
c. 47, s. 12.

ESTATES OF INSOLVENT DECEASED PERSONS.

62.—(1) On the administration of the estate of a deceased person, in case of a deficiency of assets, every creditor in proving his claim shall state whether he holds any security for his claim or any part thereof, and shall give full par-

Creditor hold-
ing security
to value the
same.

ticulars

particulars of the same and if such security is on the estate of the deceased debtor, or on the estate of a third person for whom the estate of the deceased debtor is only indirectly or secondarily liable the creditor shall put a specified value on such security, and the personal representative, under the authority of the other creditors of the estate of the deceased, or of the court if the estate is being then administered under the direction of or by a court, may either consent to the creditor's ranking for the claim, after deducting such valuation, or may require from the creditor an assignment of the security at an advance of ten per cent. upon the specified value to be paid out of the estate as soon as the personal representative has realized such security, in which he shall be bound to the exercise of ordinary diligence; and in either case the difference between the value at which the security is retained or taken, as the case may be, and the amount of the claim of the creditor shall be the amount for which he shall rank upon the estate of the deceased debtor.

When claim
is based on
negotiable
instruments

(2) If the claim of the creditor is based upon a negotiable instrument upon which the estate of the deceased debtor is only indirectly or secondarily liable, and which is not mature or exigible, the creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the person primarily liable thereon, as his security for the payment thereof, but after the maturity of such liability and its non-payment, he shall be entitled to amend and re-value his claim. R.S.O. 1897, c. 132, s. 1.

Creditor holding
security
may assign
same and rank
as unsecured
creditor.

63. A creditor holding any such security on the estate of a deceased debtor, or on the estate of a third person for whom the estate of such debtor is only indirectly or secondarily liable, may release or deliver up such security to the personal representative, or he may by statutory declaration delivered to the personal representative set a value upon such security; and from the time he shall have so released or delivered up such security or valued the same, the debt to which such security applied shall be considered as an unsecured debt of the estate, or as being secured only to the extent of the value set upon such security; and the creditor may rank as and exercise all the rights of an ordinary creditor, for the amount of his claim, or to the extent only of so much thereof as exceeds the value set upon such security as the case may be. R.S.O. 1897, c. 132, s. 2.

When creditor
holding
security fails
to value same.

64.—(1) Where a person claiming to be entitled to rank on the estate holds security for his claim or any part thereof, of such a nature that he is required by this Act to value it, and he fails to value the same, the Judge of the Surrogate

Court,

Court, who granted the probate or letters of administration, may, upon summary application by the personal representative, of which application three days' notice shall be given to such claimant, order that unless a specified value shall be placed on such security and notified in writing to the personal representative within a time to be limited by the order such claimant shall, in respect of the claim, or the part thereof for which the security is held, be wholly barred of any right to share in the proceeds of such estate.

(2) If a specified value is not placed on such security and notified in writing to the personal representative according to the exigency of the order, or within such further time as the Judge may allow, the claim or the part thereof, as the case may be, shall be wholly barred as against such estate. R.S.O. 1897, c. 132, s. 3.

(3) Where an estate is being administered by or under the direction of a court, such court shall exercise the jurisdiction conferred by this section upon the Judge of the Surrogate Court. R.S.O. 1897, c. 132, s. 4.

Administration under the direction of a court.

[As to priority in respect of wages, see 10 Edw. VII., c. 72, sec. 6.]

SUMMARY APPLICATION TO COURT FOR ADVICE.

65.—(1) A trustee, guardian, or personal representative may, without the institution of an action, apply to the High Court in the manner prescribed by Rules of Court, for the opinion, advice, or direction of the Court on any question respecting the management or administration of the trust property or the assets of his ward or his testator or intestate.

Trustee, etc., may apply for advice in management of trust property.
Imp. Act., 22-23 Vict., c. 35, s. 30.

(2) The trustee, guardian, or personal representative, acting upon the opinion, advice or direction given, shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, guardian, or personal representative, in the subject matter of the application, unless he has been guilty of some fraud, wilful concealment or misrepresentation in obtaining such opinion, advice or direction. R.S.O. 1897, c. 129, s. 39; 2 Edw. VII. c. 12, s. 18, *amended*.

ALLOWANCE TO TRUSTEES AND PERSONAL REPRESENTATIVES.

Allowance to trustees.

66.—(1) A trustee, guardian or personal representative, shall be entitled to such fair and reasonable allowance for his care, pains and trouble, and his time expended in and about the estate, as may be allowed by a Judge of the High Court, or by any Master or Referee, to whom the matter may be referred. R.S.O. 1897, c. 129, s. 40; 63 V. c. 17, s. 18 (2) *amended*.

Allowance to be made though the estate not before the Court.

(2) The amount of such compensation may be settled although the estate is not before the Court in an action. R.S.O. 1897, c. 129, s. 41, *amended*.

Surrogate Judge may order an allowance to be made to executor or administrator out of the estate for his trouble.

(3) The Judge of a Surrogate Court in passing the accounts of a trustee under a will or of a personal representative or guardian, may from time to time allow to him a fair and reasonable allowance for his care, pains and trouble, and his time expended in or about the estate. R.S.O. 1897, c. 129, s. 43.

Allowance to barrister or solicitor trustee for professional services.

(4) Where a barrister or solicitor is a trustee, guardian or personal representative and has rendered necessary professional services to the estate, regard may be had in making the allowance to such circumstance, and the allowance shall be increased by such amount as may be deemed fair and reasonable in respect of such services. 3 Edw. VII. c. 7, s. 27.

Where allowance fixed by the instrument.

(5) Nothing in this section shall apply where the allowance is fixed by the instrument creating the trust. R.S.O. 1897, c. 129, s. 44.

MISCELLANEOUS.

Trustees buying or selling.
10 Edw. VII., c. 58.

67. A trustee who is either a vendor or a purchaser may sell or buy without excluding the application of section 2 of *The Vendors and Purchasers Act*. R.S.O. 1897, s. 129, s. 6.

Indemnity.

Indemnity.

Imp. Acts, 15 and 16 Vict. c. 56, s. 7.
56-57 Vict., c. 58, s. 49

68. This Act, and every order purporting to be made under it, shall be a complete indemnity to all persons, for any acts done pursuant thereto; and it shall not be necessary for any person to inquire concerning the propriety of the order, or whether the court by which it was made had jurisdiction to make the same. R.S.O. 1897, c. 336, s. 19.

Costs.

69. The High Court may order the costs of and incidental to any application, order, direction, conveyance, assignment or transfer under this Act, or any part thereof, to be paid or raised out of the property in respect of which the same is made, or out of the income thereof, or to be borne and paid in such manner and by such persons as the Court may deem proper. R.S.O. 1897, c. 336, s. 29. *Amended.*

Costs may be ordered to be paid out of estate.

Application of Act.

70. Subject to section 71, unless otherwise expressed therein, the provisions of this Act shall apply to all trusts whenever created, and to all trustees whenever appointed. (*New.*)

Application of Act.

71. The powers, rights and immunities conferred by this Act are in addition to those conferred by the instrument creating the trust, but shall have effect subject to the terms thereof. R.S.O. 1897, c. 130, s. 4. *Part.*

Additional powers given. Proviso.

72. Nothing in this Act shall authorize a trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do by the instrument creating the trust. R.S.O. 1897, c. 130, s. 4. *Part.*

REPEAL.

73. Chapters 129, 131, 132 and 336, sections 10 to 20 of chapter 337, sections 63 and 64 of chapter 59, and section 39 of chapter 51 of the Revised Statutes of Ontario, 1897, and chapter 15 of the Acts passed at the 2nd Session held in the 62nd year, and sections 7 and 18 of chapter 17 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria, and chapter 14 of the Acts passed in the 1st year and sections 26 and 27 of chapter 7 of the Acts passed in the 3rd year, and chapter 59 of the Acts passed in the 9th year of the reign of His late Majesty King Edward the Seventh, are repealed. Repeal.

74. This Act shall come into force on the 1st day of June, 1911. Commencement of Act.

CHAPTER 27.

An Act respecting the Custody of Documents relating to Titles to Land.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	INSPECTION OF DOCUMENTS, s. 9.
INTERPRETATION, s. 2.	EFFECT OF DEPOSIT, ss. 10, 11.
DEPOSIT OF DOCUMENTS, ss. 3, 4, 8.	REGISTRAR TO KEEP SAFELY, s. 12.
DOCUMENTS TO BE NUMBERED AND INDEXED, s. 5.	EXPENSES OF EXECUTORS, s. 13.
NOTICE OF DEPOSIT, s. 6.	REMOVAL OF DOCUMENTS FROM CUSTODY OF REGISTRAR, ss. 14, 15.
REGISTRAR'S FEES, ss. 6 (2), 7.	REPEAL, s. 16.
DEPOSIT OF RECEIPTS, s. 8.	

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Custody of Documents Act*. R.S.O. 1897, c. 137, s. 1.

Interpretation. 2. In this Act "document" shall include whatever is included in the word "instrument," as defined by *The Registry Act*, and also any certificate, affidavit, statutory declaration, or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants, or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, and notices of sale, or other notices necessary to the exercise of any power of sale or appointment or other power relating to land. R.S.O. 1897, c. 137, s. 2.

Person having custody of deeds, etc., may deposit them in registry office. 3. Any person having any document, forming or being a title-deed or evidence or muniment of title to land in Ontario may deposit the same for safe custody in the office of the registrar of any registry division in which the document or a duplicate or copy or memorial or certificate thereof has been registered; or where it does not appear by any endorsement thereon, that the same or a duplicate or copy or memorial or certificate thereof has been registered, the document may be so deposited in the office of the registrar of any registry division in which any land to which the same relates is situate. R.S.O. 1897, c. 137, s. 3.

4. Upon every such deposit, the person depositing shall deliver to the registrar a requisition in duplicate, Form 1, which may include any number of documents; and the registrar shall sign a receipt upon one of the duplicates for the documents therein mentioned, and shall deliver the receipt to the person by whom the deposit is made. R.S.O. 1897, c. 137, s. 4.

Requisition to be filed and receipt given.

5.—(1) Upon receiving the requisition and the documents therein mentioned, the registrar shall enter every document in consecutive order in a book, Form 2, to be called the "Deposit Index," and shall therein number such documents consecutively, and shall endorse on each document the word "deposited," with the date of deposit and the number of the entry thereof in the deposit index; and shall file the same in consecutive order according to its number; and shall also endorse on the requisition the numbers so placed on the documents therein mentioned; and shall file all the requisitions in consecutive order according to such numbers.

Each document to be numbered and entered in deposit index and filed.

(2) The registrar shall also enter in an alphabetical index, to be called the "Alphabetical Deposit Index," the number of the document in the deposit index, and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or if the same is a certificate or an affidavit, or a statutory declaration or other proof, as to the birth, baptism, marriage, divorce, death or burial of any person, the name of such person.

Names to be entered in alphabetical index.

(3) Where it appears by any certificate of registration endorsed on the document that the same or a duplicate or a copy or memorial or certificate thereof is registered in his registry office, the registrar shall also enter in the margin of every registry book wherein the same is registered opposite the entry thereof, the words, "See deposit index No. , 19 ,," referring to the number of the document in the deposit index, and the date of the deposit. R.S.O. 1897, c. 137, s. 5.

Entry opposite registered instruments.

6.—(1) Where it appears by any certificate of registration endorsed on the document that the same is registered in any other registry division, the registrar with whom the same is deposited shall, within ten days after the deposit, send to such other registrar a notice thereof in duplicate, Form 3. R.S.O. 1897, c. 137, s. 6 (1).

Notice to be sent to other registry offices where an instrument has been registered.

(2) The registrar receiving the notice shall be entitled to a fee of twenty cents for every document, in respect of which he is required to make an entry. R.S.O. 1897, c. 137, s. 8.

Fees to other registrars.

(3) On receipt of the notice the registrar receiving the same shall enter in the margin of every registry book wherein the document appears to have been registered, opposite the entry thereof, the words, "See deposit index in Registry Office, No. , 19 ,", referring to the registry office from which the notice is received, and the number and date of the deposit therein, and he shall forthwith send an acknowledgment of the receipt of the notice written upon one of the duplicate notices.

(4) If such an acknowledgment is not received within fourteen days from the sending of the notice, the registrar sending the notice shall send another like notice, and shall repeat the same every fourteen days till the acknowledgment is received.

(5) Every such notice and acknowledgment shall be sent by registered post, and a sufficient sum to pay the registrar's fees and the postage shall be sent with the notice.

(6) All notices received from other registrars shall be filed by the registrar receiving the same in the order in which they are received, and all such acknowledgments shall be filed by the registrar receiving them in the order of their receipt. R.S.O. 1897, c. 137, s. 6.

Registrar's fees.

7. The registrar with whom the deposit is made shall be entitled to the following fees to be paid at the time of the deposit by the person making the deposit:—

On every requisition	20 cents.
On every document deposited	10 "
For every notice necessary to be sent to other registrars, (not more than one notice to any one registrar to be charged for)	15 "
Necessary postage on the notices and acknowledgments	
A sum sufficient to pay the fees under sub-section 2 of section 6.	

R.S.O. 1897, c. 137, s. 7.

Deposit of receipts

8.—(1) A receipt for payment of money on any registered instrument may be deposited in the registry office in which the instrument is registered, but it shall not be necessary to deliver any requisition with the receipt, or to pay any fee for depositing the same or the entries in respect thereof, except the sum of twenty cents.

Registrar to receive and enter.

(2) The registrar shall receive and file in consecutive numerical order all receipts so deposited, and shall endorse thereon the number, the date of deposit, and the amount mentioned in the receipt, and shall write in the margin of the registry book

book wherein the instrument to which the receipt relates has been registered the words, "See receipt No. _____."

R.S.O. 1897, c. 137, s. 9.

9. Any person shall be entitled to inspect and make or obtain copies of, or extracts from, any document deposited under this Act in like manner as in the case of instruments registered under *The Registry Act*; and the registrar shall be entitled to the same fees in respect thereof as in the case of registered instruments. R.S.O. 1897, c. 137, s. 10.

Deposited documents open to inspection.

10 Edw. VII. c. 60.

10. The deposit of a document under this Act shall not be deemed a registration thereof within the meaning of *The Registry Act*; nor shall the admissibility or value of any document as evidence be affected by the deposit. R.S.O. 1897, c. 137, s. 11.

Deposit not registration and not to affect document as evidence.

10 Edw. VII. c. 60.

11. The deposit of a document under this Act shall, while the document continues so deposited, be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person, to produce or allow the inspection of, or the making of any copy of or extract from the document, and shall absolve any person liable for the production or custody thereof from any further liability in respect of such custody or production. R.S.O. 1897, c. 137, s. 12.

Deposit relieves from liability.

12. The registrar with whom a document is so deposited shall keep the same safely in his office, in like manner and with the same care as the instruments registered in his office; and he and his sureties shall be responsible in respect thereof, in like manner as in respect of instruments registered under *The Registry Act*; and the registrar shall not part with the possession of any such document, unless in accordance with the order of a Court or a Judge as hereinafter provided. R.S.O. 1897, c. 137, s. 13.

Registrar to keep safely.

10 Edw. VII. c. 60.

13. An executor, administrator or trustee may reimburse himself out of the estate any expense which he incurs in or about depositing any document which may come to his possession or control as such executor, administrator or trustee. R.S.O. 1897, c. 137, s. 14.

Expenses of executors, etc.

14.—(1) At any time within five years after the deposit of a document, any person may apply to the High Court or to the County or District Court of the county or district in which the deposit is made, or to a Judge of either of such Courts, for the delivery of the document to such person, and the Court or Judge may direct that the same shall be delivered by the registrar to the applicant, or to any person the Court or Judge

Application within 5 years to remove custody.

Judge directs, upon being satisfied that the applicant would, but for the deposit, be solely entitled to the possession of the document, and that the deposit thereof was made without his consent, or the consent of any person entitled at the time of the deposit to any interest therein, and, where the document relates to other land than that in which the applicant is interested, that there are reasonable grounds for removing the document from the custody of the registrar.

**Notice of
application.**

(2) Before making the order, the Court or Judge may require such notice of the application, by advertisement or otherwise, to be given to the person by whom the deposit was made, or to any other person, as to the Court or Judge shall seem meet.

Costs.

(3) The order may direct that all or any part of the costs of the application, or of opposing the same, or in relation thereto, be paid by the person by whom the deposit was made, or by the person by whom the application is made, or by any person to whom notice of the application has been given or the Court or Judge may make such other order in respect of the costs of the applicant, and of the persons who have been notified, or who oppose the application, as may seem just. R.S.O. 1897, c. 137, s. 15.

**Delivery
under order.**

15.—(1) Upon the delivery to the registrar of the order, or a duplicate thereof, within six months after the date thereof, and upon payment to him of the sum of fifty cents, he shall deliver to the person mentioned therein the documents therein directed to be given to him, taking his receipt, or the receipt of his authorized agent therefor.

**Registration
of order.**

(2) The registrar shall thereupon enter in the deposit index, opposite the entry of the document, the date of such delivery, and the name of the person to whom delivered, the Court or Judge by whom the order was made, and the date of the order, and shall file the order among the requisitions for deposit in the order of the date of its receipt. R.S.O. 1897, c. 137, s. 16.

Repeal.

16. Chapter 137 of the Revised Statutes, 1897, is repealed.

FORM 1.

REQUISITION.

To the Registrar of the Registry Division of

I (or we) hereby deposit with you, pursuant to *The Custody of Documents Act*, the following documents:—

Description of document.	Names of all parties.	Any other particulars or subject of certificate, affidavit, etc.	Land in this registry division to which documents relate.	Particulars of registration of registered instruments.			
				Registry division.	Date.	No.	Township, city, town, etc.

Dated

(in duplicate)

Signed in presence of me, to } C. D.

whom the depositor, and
his residence and occupa-
tion are well known.

*Residence, giving Lot, Con.
or House No. and Street.
(Occupation)*

A. B.

The documents above mentioned, with a duplicate of the above requisition, are this day received by me.

Dated

E. F.,

Registrar for

R.S.O. 1897, c. 137, Sched. Form A.

FORM 2.

DEPOSIT INDEX.

Deposit No.	Description of document.	Parties.	Land in this registry division mentioned	Any other particulars or subject of certificates, affidavits, etc	Particulars of registration certificate endorsed.	Date of deposit.	By whom deposited.

R.S.O. 1897, c. 137, Sched. Form B

FORM 3.

FORM 3.

NOTICE OF DEPOSIT.

To the Registrar of the Registry Division of

The following documents, which appear to be registered in your registry office, have been deposited in this registry office under *The Custody of Documents Act*.

Deposit Index No.	Date of deposit.	Description of document.	Parties.	Particulars of registration in your registry division.		
				Township, city, town, etc.	Date of registration.	Registration No.
	8th Aug., 19	Mort- gage.	John Smith to Wm. Jones.			

You are required to enter such deposit, and to acknowledge receipt hereof, under above Act. I enclose cents for your fees and cents for postage on acknowledgment.

Dated at

Registrar for

ACKNOWLEDGMENT TO BE PUT ON DUPLICATE NOTICE.

The duplicate of above notice of deposit of (*three*) documents received at the registry office for this day of 19 , and entry of such deposit has been made in accordance with *The Custody of Documents Act*.

Registrar.

R.S.O. 1897, c. 137, Sched. Form C.

CHAPTER 28.

An Act to simplify Titles and to facilitate the
Transfer of Land.*Assented to 24th March, 1911.*

SHORT TITLE, s. 1.
APPLICATION OF ACT, ETC., s. 2.
INTERPRETATION, s. 3.
POWER OF JUDGE IN CHAMBERS, s. 4.

PART I.

LAND REGISTRY IN COUNTY OF
YORK, s. 5.
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PART II.

LEASEHOLD LAND, ss. 16-21.

PART III.

FIRST REGISTRATION, HOW EF-
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Transfer of land, ss. 38-45.
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Transfer of leaseholds, ss. 48-
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Time of registration, s. 55.
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62-65.
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PART V.

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PART VI.

SUPPLEMENTAL PROVISIONS, ss. 80-
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Persons under disability, s.
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NOTICES, ss. 112-113.
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RECTIFICATION OF REGISTER, ss.
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TIONS, ss. 121-122.
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ADMINISTRATION

ADMINISTRATION OF LAW AND
MISCELLANEOUS, ss. 130-145.
Conduct of business in office
of Land Titles, ss. 130-132.
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133, 134.
Certificate as to taxes, s. 135.
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Right to inspect registry, s.
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fees, s. 138.
Fees payable, s. 139.
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Oath of office and sureties, ss.
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investors, s. 145.
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FICES, ss. 156-158.
REGISTRATION OF NEWLY PATENT
ED LANDS IN DISTRICTS, ss.
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REPEAL, s. 164.
COMMENCEMENT OF ACT, s. 165.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

PRELIMINARY.

Short title. **1.** This Act may be cited as *The Land Titles Act*. R.S.O.
1897, s. 138, s. 1.

Application
of Act. **2.** This Act shall, subject to section 146, apply to the
County of York, including the City of Toronto, the County
of Elgin, including the City of St. Thomas, the County of
Ontario, the City of Ottawa and the County of Carleton, and
to Provisional Judicial Districts only, and the Land Regis-
tries heretofore established for the said counties and dis-
tricts are hereby continued. R.S.O. 1897, c. 138, s. 2, and
Orders in Council of 27th July, 1899, and 4th December,
1907.

Interpreta-
tion. **3.** In this Act

Court. (a) "Court" shall mean the High Court.

General
Rules. (b) "General Rules" or "Rules" shall mean the Rules
made in pursuance of this Act or of any Act repealed by it.

Inspector. (c) "Inspector" shall mean Inspector of Land Titles
Offices, and shall include a person acting as Inspector of Land
Titles Offices under the authority conferred by this Act.

Owner. (d) "Owner" shall mean owner in fee simple;

Prescribed. (e) "Prescribed" shall mean prescribed by this Act or by
any general rules made in pursuance of this Act.

Proper
Master of
Titles. (f) "Proper Master of Titles" shall mean the Master of
Titles or Local Master in whose office the land affected or
intended

intended to be affected by any proceeding, instrument or document is or may be registered

(g) "Registered" shall mean registered under this Act. ^{Registered.}

(h) "Sworn Valuator" shall mean a person appointed ^{Sworn} with the approval of the Lieutenant-Governor in Council, to ^{Valuator.} value land under this Act. R.S.O. 1897, c. 138, s. 3. *Amended.*

4. Any jurisdiction of the Court under this Act may be ^{Judge may} exercised by a Judge of the Court whether sitting in court or ^{act in Court} in chambers. R.S.O. 1897, c. 138, s. 3, *part.* ^{or Chambers.}

PART I.

ENTRY OF LAND ON REGISTER OF TITLE.

5. The Land Registry for the County of York shall be ^{Land} conducted by an officer to be called the Master of Titles, ^{registry} who shall be a barrister of not less than ten years' standing ^{for County} at the Bar of Ontario, and shall be appointed by the Lieutenant-Governor in Council by commission under the Great Seal ^{of York} to be conducted by Master of Titles. ^{to be con-}
R.S.O. 1897, c. 138, s. 4. ^{Imp. 38 & 39 V., c. 87, ss. 5, 106.}

6.—(1) Any person entitled for his own benefit at law or ^{Application} in equity to an estate in fee simple in land, whether or not ^{for regis-} subject to incumbrances, or any person capable of disposing ^{tration} for his own benefit by way of sale of an estate in fee simple ^{with} in land, whether or not subject to incumbrances, may apply ^{absolute} to the proper Master of Titles to be registered under this Act, ^{or posses-} or to have registered in his stead any nominee as owner of ^{sory title.} such land, with an Absolute, Qualified or Possessory title, ^{Imp. 38 & 39 V., c. 87 s. 5.} as the case may be. R.S.O. 1897, c. 138, s. 5.

(2) Any person who has contracted to buy for his own ^{Application} benefit an estate in fee simple in land, whether or not sub- ^{by} ject to incumbrances, may also apply if the vendor consents ^{purchaser.} to the application. R.S.O. 1897, c. 138, s. 6. ^{Imp. 38 & 39 V., c. 87, s. 5.}

(3) The Attorney-General for Canada, or the Attorney-General for Ontario, may apply in like manner in respect ^{Application} to the title of the Crown to any land; and the practice and ^{by Crown.} procedure upon the application shall be the same as in ordin- ^{Imp. 38 & 39 V., c. 87, s. 65.} ary cases. R.S.O. 1897, c. 138, s. 7.

Trustees and Mortgagees.

Trustees,
etc., may
sell by
medium of
registry,
or may be
themselves
registered.

Imp. 38 &
39 V. c. 37,
s. 68.

7.—(1) Any person holding land on trust for sale, and any trustee, mortgagee, or other person having a power of selling land, may authorize the purchaser to make an application to be registered as owner with any title with which an owner is authorized to be registered, and may consent to the performance of the contract being conditional on his being so registered; or any of such persons, except a mortgagee, may himself apply to be registered as such owner with the consent of the persons (if any) whose consent is required to the exercise by the applicant of his trust or power of sale.

(2) A mortgagee having a power of selling land, may apply to have the mortgagor or other person owning the equity of redemption registered as owner with any such title.

(3) The amount of all costs, charges, and expenses properly incurred by such person, in or about the application, shall be ascertained and declared by the proper Master of Titles, and shall be deemed to be costs, charges, and expenses properly incurred by such person in the execution of his trust or in pursuance of his power; and he may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he shall not be liable to any account in respect thereof. R.S.O. 1897, c. 138, s. 8.

Part Owners.

Registration
of part
owners.

Imp. 38 &
39 V. c. 37,
s. 69.

8.—(1) Any two or more persons entitled concurrently or successively, or partly in one mode and partly in another, to such estates, rights, or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land, may, subject as in this Act mentioned with respect to the number of persons to be registered in respect of the same land, apply to the proper Master of Titles to be registered as joint owners, in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that an individual owner may be registered. R.S.O. 1897, c. 138, s. 9.

Entry on
registration
of part
owners.

(2) Where several persons are so registered as owners, the entry may, if the parties so desire, define the estates, rights and interests, other than trust estates, rights and interests, to which the owners are respectively entitled, and such entry may be made either upon first registration or subse-

quently

quently in case the estates, rights or interests so arise. R.S.O. 1897, c. 138, s. 10.

(3) Persons entitled to several estates, as mentioned in subsection 1, or owners who are tenants in common or joint tenants, shall be entitled to take out one certificate in respect of the whole estate, or each person may, when the extent of his interest is defined, take out a certificate in respect of his own estate; but when a certificate for the whole is outstanding no separate certificate shall be issued till the outstanding certificate is returned and cancelled. R.S.O. 1897, c. 138, s. 11.

What
certificate
part
owners
may take
out.

Absolute Titles.

9. Where an absolute title is required, the applicant or his nominee shall not be registered as owner of the fee simple unless and until the title is approved by the proper Master of Titles. R.S.O. 1897, c. 138, s. 12.

Evidence
where
absolute
title
required.
Imp. 38 &
39 V. c. 87,
s. 6.

10. The first registration of a person as owner of land, in this Act referred to as first registered owner, with an absolute title, shall vest in the person so registered an estate in fee simple in such land, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject as follows:

Estate of
first
registered
owner with
absolute
title.
Imp. 38 &
39 V. c. 87,
s. 7.

- (a) To the incumbrances, if any, entered on the register;
- (b) To such liabilities, rights and interests, if any, as are declared for the purposes of this Act not to be incumbrances, unless the contrary is expressed on the register;
- (c) Where such first registered owner is not entitled for his own benefit to the land registered, then as between him and any persons claiming under him, to any unregistered estates, rights, interests, or equities to which such persons may be entitled;

but free from all other estates and interests whatsoever, including estates and interests of His Majesty, which are within the legislative jurisdiction of Ontario. R.S.O. 1897, c. 138, s. 13.

Possessory Titles.

11. Where a possessory title only is required, the applicant or his nominee may be registered as owner of the fee simple

Evidence
where pos-
sessory
title
required.
on

Imp. 38 &
39 V. c. 87,
s. 6.

on giving such evidence of title, and serving such notices, if any, as may be prescribed. R.S.O. 1897, c. 138, s. 14.

Estate of
first
registered
owner with
possessory
title.

Imp. 38 &
39 V. c. 87,
s. 8.

12. The registration of a person as first registered owner with a possessory title only, shall not affect or prejudice the enforcement of any estate, right, or interest adverse to or in derogation of the title of such first registered owner, and subsisting or capable of arising at the time of registration of such owner, but shall otherwise have the same effect as registration of a person with an absolute title. R.S.O. 1897, c. 138, s. 15.

Qualified Titles.

A qualified
title may
be
registered.

Imp. 38 &
39 V. c. 87,
s. 9.

13.—(1) Where on the examination of the title it appears to the proper Master of Titles that it can be established only for a limited period, or subject to certain reservations, the Master, on the application of the party applying to be registered, may, by an entry made in the register, except from the effect of registration any estate, right, or interest arising before a specified date, or arising under a specified instrument, or otherwise particularly described in the register.

(2) A title registered subject to such excepted estate, right, or interest shall be called a qualified title.

Estate of
owner
registered
with a
qualified
title.

(3) The registration of a person as first registered owner with a qualified title shall have the same effect as the registration of such person with an absolute title, save that registration with a qualified title shall not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted.

Notice of
easement.
Imp. 38 &
39 V. c. 87,
s. 18, sub-
s. d.

(4) Where the existence of any easement is proved the Master may, if he thinks fit, enter notice thereof on the register.

Statement
of appur-
tenant
easement on
certificate,
etc.

(5) Where title is shewn to any easement appurtenant to the land being registered, the same may be stated in the entry and certificate of ownership. R.S.O. 1897, c. 138, s. 16.

Certificate of Ownership.

Certificate
of owner-
ship given
on regis-
tration.

Imp. 38 &
39 V. c. 87,
s. 10.

14. On the entry of the name of the first registered owner of freehold land on the register, the proper Master of Titles shall, if required by the owner, deliver to him a Certificate, in the prescribed form, in this Act called a Certificate of Ownership, which shall state whether the title of the owner therein mentioned is absolute, qualified, or possessory. R.S.O. 1897, c. 138, s. 17.

15.—(1) A certificate by the proper Master of Titles of the first registration of an owner under this Act shall be registered in the registry division in which the land is situated; and thereafter *The Registry Act* shall cease to apply to such land. R.S.O. 1897, c. 138, s. 18.

Registry Act not to apply to land under this Act.
10 Edw. VII. c. 60.

(2) The certificate, besides describing the land, shall state the date of the first registration, the number of the parcel and the register in which the land is registered: and the Registrar shall in his Abstract Index enter the number of the parcel and the register as given in the certificate. (*New.*)

Particulars to be stated in certificate for registry office.

PART II.

LEASEHOLD LAND.

16.—(1) A separate register of leasehold land shall be kept and any of the following persons:

Register of leasehold land.

- (a) Any person who has contracted to buy for his own benefit leasehold land held under a lease for a life or lives, or determinable on a life or lives, or for a term of years of which at least 21 are unexpired, or in respect of which the lessee or his assigns is or are entitled to a renewal term or succession of terms amounting with the portion unexpired of the current term to at least 21 years, or to a renewal for a life or lives, whether or not subject to incumbrances;
- (b) Any person entitled for his own benefit, at law or in equity, to leasehold land held under any such lease whether or not subject to incumbrances; and
- (c) Any person capable of disposing for his own benefit by way of sale of leasehold land held under any such lease whether or not subject to incumbrances;

Application for registration with or without a declaration of title of lessor to grant lease.

Imp. 38 & 39 V. c. 87, s. 11.

may apply to the proper Master of Titles to be registered, or to have registered in his stead any nominee as owner of such leasehold land, with the addition, where the lease under which the land is held is derived immediately out of freehold land, and the applicant is able to submit for examination the title of the lessor, of a declaration of the title of the lessor to grant the lease under which the land is held;

Provided that, in the case of leasehold land contracted to be bought, the vendor consents to the application. Proviso.

(2) Every applicant for registration of leasehold land shall deposit with the Master the lease in respect of which

the

the application is made, or if such lease is proved to the satisfaction of the Master to be lost, a copy of such lease or of a counterpart thereof, verified to the satisfaction of the Master; and such lease or verified copy is in this Act referred to as the registered lease.

(3) Leasehold land held under a lease containing an absolute prohibition against alienation, shall not be registered

(4) Leasehold land held under a lease containing a prohibition against alienation without the license of some other person, shall not be registered unless and until provision is made in the prescribed manner for preventing alienation without such license, by entry in the register of a restriction to that effect, or otherwise. R.S.O. 1897, c. 138, s. 19.

(5) Section 7 shall apply to leasehold as well as to freehold land. 7 Edw. VII. c. 30, s. 2.

Evidence
of title
required
on applica-
tion.

Imp. 38 &
39 V. c. 87,
s. 12.

17. An applicant or his nominee shall not be registered as owner of leasehold land unless and until the title to such land is approved by the proper Master of Titles; and if he applies to be registered as owner of leasehold land with a declaration of the title of the lessor to grant the lease under which the land is held, shall not be registered with such declaration unless and until the lessor, after an examination of his title by the Master, is declared to have had an absolute or qualified title to grant the lease under which the land is held. R.S.O. 1897, c. 138, s. 20.

Estate of
first regis-
tered
owner of
leasehold
land with
a declara-
tion of
absolute
title of
lessor to
grant lease.

Imp. 38 &
39 V. c. 87,
s. 13.

18. The registration of a person as first registered owner of leasehold land with a declaration that the lessor had an absolute title to grant the lease under which the land is held, shall vest in such person the land comprised in the registered lease relating to such land for all the leasehold estate therein described, with all implied or expressed rights, privileges and appurtenances attached to such estate, but subject

- (a) To all implied and express covenants, obligations and liabilities incident to such leasehold estate;
- (b) To the incumbrances, if any, entered on the register;
- (c) Unless the contrary is expressed on the register, to such liabilities, rights and interests as affect the leasehold estate and are by this Act declared not to be incumbrances in the case of registered freehold land; and

(d)

- (d) Where such first registered owner is not entitled for his own benefit to the land registered, then, as between himself and any person for whom he holds or claiming under him, to any unregistered estates, rights, interests or equities to which such person may be entitled;

But free from all other estates and interests whatsoever, including estates and interests of His Majesty, which are within the legislative jurisdiction of Ontario. R.S.O. 1897, c. 138, s. 21; 7 Edw. VII. c. 30, s. 3. *Amended.*

19. The registration of a person as first registered owner of leasehold land without a declaration of the title of the lessor, shall not affect or prejudice the enforcement of any estate, right, or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall have the same effect as the registration of a person as first registered owner of leasehold land with a declaration that the lessor had an absolute title to grant the lease under which the land is held. R.S.O. 1897, c. 138, s. 22.

Estate of first registered owner of leasehold land without a declaration of title of lessor to grant lease.

Imp. 38 & 39 V. c. 87, s. 14.

20.—(1) Where on the examination of the title of a lessor by the proper Master of Titles, it appears to him that the title of such lessor to grant the lease under which the land is held can be established only for a limited period, or subject to certain reservations, the Master may, by an entry made in the register, except from the effect of registration, any estate, right or interest arising before a specified date or arising under a specified instrument, or otherwise particularly described in the register; and a title of a lessor subject to such excepted estate, right, or interest shall be deemed a qualified title.

Lessor may be declared to have a qualified title to grant lease

Imp. 38 & 39 V. c. 87, s. 15.

(2) The registration of a person as first registered owner of leasehold land with a declaration that the lessor had a qualified title to grant the lease under which the land is held, shall have the same effect as the registration of such person with a declaration that the lessor had an absolute title to grant the lease under which the land is held, save that registration with the declaration of a qualified title shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted. R.S.O. 1897, c. 138, s. 23.

21. On the entry of the name of the first registered owner of leasehold land on the register, the proper Master of Titles shall, if required by the owner, deliver to him a copy of the registered lease, in this Act called an office copy, authenticated

Office copy of lease given on registration.

Imp. 38 & 39 V. c. 87, s. 17.

in

in the prescribed manner, and there shall be endorsed thereon a statement whether any declaration, absolute or qualified, as to the title of the lessor has been made, and any other particulars relating to such lease entered in the register. R.S.O. 1897, c. 138, s. 24.

PART III.

REGISTRATION, HOW EFFECTED.

Regulations
as to exam-
ination of
title by
Master.

Imp. 38 &
39 V. c. 87,
s. 17.

22. The examination of a title shall be conducted in the prescribed manner, subject to the following provisions:

- (a) Due notice shall be given where the giving of such notice is prescribed; and sufficient opportunity shall be afforded to any person desirous of objecting to come in and state his objections to the proper Master of Titles;
- (b) The Master shall have jurisdiction to hear and determine any such objections, subject to an appeal to the Court in the prescribed manner and on the prescribed conditions;
- (c) If the Master, upon the examination of any title, is of opinion that it is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of it or may require the applicant to apply to the Court, upon a statement signed by the Master, for its sanction to the registration;
- (d) It shall not be necessary to produce any evidence which, by *The Vendors and Purchaser's Act* is dispensed with as between vendor and purchaser, or to produce or account for the originals of any registered deeds, documents, or instruments, unless the Master otherwise directs;
- (e) The Master may receive and act upon any evidence which is received in court on a question of title, or any evidence which the practice of conveyancers authorizes to be received on an investigation of a title out of court, or any other evidence, whether the same is or is not receivable or sufficient in point of strict law, or according to the practice of conveyancers, if the same satisfies him of the truth of the facts intended to be made out thereby;

10 Edw. VII.
c. 58, s. 8.

(f)

- (f) The Master may refer to and act upon not only the evidence adduced before him in the proceeding in which such evidence is adduced, but also any evidence adduced before him in any other proceeding wherein the facts to which such evidence relates were or are in question. R.S.O. 1897, c. 138, s. 25. *Amended.*

23. The Lieutenant-Governor in Council may name one or more barristers to whom the Master of Titles may refer the examination of the title, in whole or in part, of any land in respect of which an application is made, and the Master may act upon the opinion of such referee. 7 Edw. VII. c. 30, s. 1.

Employment of Counsel for examinations of titles.

Imperial Land Transfer Rules of 1903, Nos. 36 and 313.

24.—(1) All registered land, unless the contrary is expressed on the register, shall be subject to such of the following liabilities, rights, and interests as for the time being may be subsisting in reference thereto, and such liabilities, rights and interests shall not be deemed incumbrances within the meaning of this Act;

Liability of registered land to easements and certain other rights.

Imp. 38 & 39 V. c. 37, s. 18.

- (a) Provincial taxes and succession duty and municipal taxes, charges, rates or assessments, and school or water rates;
- (b) Any right of way, water-course, and right of water, and other easements;
- (c) Any title or lien which, by possession or improvements the owner or person interested in any adjoining land has acquired to or in respect of the registered land;
- (d) Any lease or agreement for a lease, for a period yet to run which does not exceed three years, where there is actual occupation under it;
- (e) Any right of the wife or husband of the person registered as owner to dower or curtesy, as the case may be, in case of surviving such owner;
- (f) A mechanic's lien where the time limited for the registration thereof has not expired;
- (g) Any right of expropriation, access or user conferred by Statute; R.S.O. 1897, c. 138, s. 26 (1); *ib.* s. 28. 3 Edw. VII. c. 12, s. 2; 7 Edw. VII. c. 30, s. 4. *Amended.*
- (h) Any public highway.

Land to be registered subject to taxes.

Where applicant desires certificate free from (a)-(e).

(2) If the applicant desires the certificate to declare the title to be free from the first five of such particulars, or any of them, his application shall so state, and the investigation shall proceed accordingly. R.S.O. 1897, c. 138, s. 26 (2).

Notice of application to have certificate free from highway

(3) Where the applicant desires that the land shall be registered free from any public highway, a notice so stating shall be published once a week for two successive weeks in a newspaper published in the municipality in which the land lies, or where there is no such newspaper in one published in a neighbouring municipality and the notice shall also be served upon the Attorney-General and upon the head or the Clerk of the council of the municipality in which the land lies.

Trial of right of highway in High Court.

(4) If the Attorney-General or the Corporation of the municipality or any person objects to the land being so registered the Attorney-General or such corporation or person may in his objection require that the question of the existence of the highway be tried in the High Court, and in that case the Master shall postpone his finding upon that part of the application until the question is finally determined and shall give such directions as he may deem proper in order that an early adjudication thereon may be had.

Master may direct action or issue.

(5) Notwithstanding that the Attorney-General or the corporation or person objecting has not required the question to be tried in the High Court, the Master of his own motion or upon the application of either party may direct that an action be brought or an issue be tried in the High Court for the determination of the question on such terms and conditions as to costs and otherwise as he may deem just.

Registration pending decision and subsequent variation of entry.

(6) The Master pending the final decision of the question may register the applicant as owner, subject to any public highway and upon the final determination of the question if it is determined in favour of the applicant the entry and certificate of ownership shall be varied in accordance therewith. *New.*

Description not conclusive against adjoining owners.

(7) The description of the land in the entry of ownership shall not, as against adjoining owners, be conclusive as to the boundaries or extent thereof. R.S.O. 1897, c. 138, s. 26 (1). *Part, amended.*

Effect of registration of land upon timber licenses.

25. Where a license under *The Crown Timber Act*, or any Statute for which that Act is substituted, has been or shall be granted, and the land is registered under this Act the same shall be deemed to have been, and to be subject

to

to the rights of the licensee or his assigns for the current license year under the license, and to the rights of His Majesty in the pine trees under *The Free Grants and Homesteads Act*, or any Statute for which that Act is substituted, without the fact of such land being so subject being expressed in the entry in the register, or in the certificate of ownership. R.S.O. 1897, c. 138, s. 27.

Rev. Stat.
c. 32.
Rev. Stat.
c. 29.

Mortgages existing at First Registration.

26.—(1) Where land is registered subject to mortgages existing thereon at the time of the first registration the mortgages shall be noted in the register in the same order as they are registered in the registry office if such mortgages have been so registered, or the dates of the respective registrations thereof shall be stated, but this shall not be taken as an affirmation that such mortgages rank in the order in which they were registered or in the order in which they are noted.

Lands
subject to
mortgage
at time of
registration.

(2) Abstracts of all instruments dealing with such mortgages shall thereafter be entered in the register, and the entry thereof shall be deemed the registration of the instrument, and the rights of the parties interested or claiming to be interested in any such mortgage so far as it affects land under this Act shall, subject to sections 10 to 13 and 42 to 45, be decided under the registry law, as if the registrations in the Office of Land Titles had been made under *The Registry Act*. R.S.O. 1897, c. 138, s. 29.

10 Edw.
VII., c. 60.

Determination of Incumbrances or Leases existing at First Registration.

27.—(1) Where upon the first registration of land, notice of any incumbrance affecting such land has been entered on the register, the proper Master of Titles, on proof to his satisfaction of the discharge of such incumbrance shall note in the prescribed manner on the register, by cancelling the original entry or otherwise, the cessation of such incumbrance and thereupon the incumbrance shall cease.

Complete or
partial
discharge of
incumbrance,
Imp. 38 & 39
V., c. 87,
s. 19.

(2) On the requisition or certificate of a mortgagee whose mortgage was entered on the register on the first registration of the land or the registered assignee thereof or of the personal representative of such mortgagee or assignee author-

izing

izing or certifying the discharge of the whole or any part of the land therefrom or the discharge of the whole or any part of the money thereby secured, the Master may note on the register the discharge of such land from the mortgage or the discharge of such part of the money, and thereupon as to the land or money discharged, the incumbrance shall cease.

(3) The death of the person who signed the requisition or certificate shall not revoke or otherwise affect the same. R.S.O. 1897, c. 138, s. 30; 7 Edw. VII., c. 30, s. 5.

Determina-
tion of lease.

Imp. 38 & 39
V., c. 87,
s. 20.

28. The proper Master of Titles, on proof to his satisfaction of the determination of any lease of registered land existing at the first registration, shall note in the prescribed manner on the register, the determination of such lease. R.S.O. 1897, c. 138, s. 31.

Adverse Possession as against Registered Owner.

No acqui-
sition of title
by adverse
possession.

Imp. 38 & 39
V., c. 87,
s. 21.
10 Edw. VII.
c. 34.

29.—(1) A title to any land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession.

(2) This section shall not prejudice as against any person registered as first owner of land with a possessory title only, any adverse claim in respect of length of possession of any other person who was in possession of the land at the time when the registration of such first owner took place. R.S.O. 1897, c. 138, s. 32.

PART IV.

TRANSFER AND CHARGE OF REGISTERED LAND.

Charge of Registered Land.

30.—(1) Every registered owner, may in the prescribed manner charge the land with the payment at an appointed time of any principal sum of money either with or without interest, or as security for any other purpose, and with or without a power of sale. R.S.O. 1897, c. 138, s. 33 (1). Creation of charges, and delivery of certificate of charge. Imp. 38 & 39 V., c. 87, s. 22.

(2) The charge shall be completed by the proper Master of Titles entering on the register the person in whose favour the charge is made as the owner of the charge, stating the amount of the principal sum which the charge secures, with the rate of interest and the periods of payment, or the other purpose for which the charge is given. Charge how completed.

(3) Where the charge contains a power of sale, that fact shall be stated, but the particulars need not be set out in the register, nor shall it be necessary to set forth incidental matters which may be expressly charged, such as costs of inspection, or of abortive attempts to sell and the like. 3 Edw. VII., c. 12, s. 3.

(4) The charge, when registered, shall confer upon the chargee a charge upon the interest of the chargor as appearing in the register subject to the incumbrances and qualifications to which such interest is subject, but free from any unregistered interests in the land. *New.*

(5) The Master shall also, if required, deliver to the owner of the charge, a certificate of charge in the prescribed form. R.S.O. 1897, c. 138, s. 33 (3).

(6) The provisions of section 73 of *The Registry Act* shall apply to the charge as if it was a registered mortgage. 10 Edw. VII. c. 60. *New.*

31.—(1) Where a registered charge is created, there shall be implied on the part of the registered owner at the time of the creation of the charge, his heirs, executors and administrators, unless there is an entry on the register negating the implication, covenants with the registered owner for the time being of the charge: Implied covenant to pay charges. Imp. 38 & 39 V., c. 87, s. 23.

(a) To pay the principal sum charged, and interest, it any, thereon, at the appointed time and rate; and all taxes, rates, charges, rents, statute labour or other impositions theretofore or thereafter imposed or charged on the land and that in case of default all payments made by the owner of the charge may be added to the principal sum and bear interest;

(b) If the principal sum or any part thereof is unpaid at the appointed time, to pay interest half yearly at the appointed rate on so much of the principal sum as for the time being remains unpaid.

Provision
where
charge
expressed
to be made
under
10 Edw.
VII. c. 55.

(2) Where a charge, whether or not under seal, is expressed to be made in pursuance of *The Short Forms of Mortgages Act*, or refers thereto, and contains any form of words contained in clauses numbered 1, 2, 3, 7, 8, 12, 14, 15 or 16, of Column One, of Schedule B to that Act, whether expressed in the first or third person, such words shall have the same meaning and effect as the words under the corresponding number in Column Two in that schedule: and the provisions of that Act shall apply to the charge. R.S.O. 1897, c. 138, s. 34.

Implied
covenant in
case of
leaseholds to
pay rent,
etc., and
indemnify
owner of
charge.

Imp. 33 & 34
V., c. 87,
s. 24.

32. Where a registered charge is created on any leasehold land, there shall be implied on the part of the registered owner of such leasehold land at the time of the creation of the charge, his heirs, executors, and administrators, unless there is an entry on the register negating the implication, covenants with the registered owner for the time being of the charge:

(a) That the registered owner of such leasehold land at the time of the creation of the charge, his executors, administrators or assigns, will pay, perform and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed; and

(b) Will keep the owner of the charge, his executors, administrators and assigns, indemnified against all actions, suits, expenses, and claims, on account of the non-payment of such rent, or any part thereof, or the breach of such covenants or

conditions,

conditions, or any of them. R.S.O. 1897, c. 138, s. 35.

33. Subject to any entry to the contrary on the register, the registered owner of a registered charge, for the purpose of obtaining satisfaction of any moneys due to him under the charge, at any time during the continuance of his charge, may enter upon the land charged, or any part thereof, or into the receipt of the rents and profits thereof, subject nevertheless to the right of any persons appearing on the register to be prior incumbrancers, and to the liability attached to a mortgagee in possession. R.S.O. 1897, c. 138, s. 36.

Entry by
owner of
charge.
Imp. 38 & 39
V., c. 87,
s. 25.

34. Subject to any entry to the contrary on the register the registered owner of a registered charge may enforce it by foreclosure or sale, in the same manner and under the same circumstances in and under which he might enforce the same if the land had been transferred to him by way of mortgage, subject to a proviso for redemption. R.S.O. 1897, c. 138, s. 37.

Foreclosure
by owner
of charge.
Imp. 38 & 39
V., c. 87,
s. 25.

35. Subject to any entry to the contrary on the register, the registered owner of a registered charge with a power of sale, in accordance with the terms of the power, may sell and transfer the interest in the land, which is the subject of the charge, or any part thereof, in the same manner as if he were the registered owner of the land to the extent of such interest therein. R.S.O. 1897, c. 138, s. 38.

Remedy of
owner of
charge with
a power of
sale.
Imp. 38 & 39
V., c. 87,
s. 27.

36. Subject to any entry to the contrary on the register, registered charges on the same land shall as between themselves rank according to the order in which they are entered on the register, and not according to the order in which they are created. R.S.O. 1897, c. 138, s. 39.

Priority of
registered
charges.
Imp. 38 & 39
V., c. 87,
s. 28.

37.—(1) The proper Master of Titles shall, on the requisition of the registered owner of any land and on due proof of the satisfaction of a charge thereon, or may on the requisition of the registered owner of a charge or of his personal representative or on his certificate of the satisfaction thereof, note on the register in the prescribed manner, by cancelling the original entry or otherwise, the cessation of the charge; and thereupon the charge shall cease.

Discharge
of incum-
brance.
Imp. 38 & 39
V., c. 87,
s. 28.

(2) The Master may in like manner and with the like effect note the cessation of any other incumbrance.

(3) On the requisition or certificate of the registered owner of a charge, or of the personal representative of such

Partial
cessation
of charge

owner

owner authorizing or certifying the discharge of any part of the land therefrom or the discharge of any part of the money thereby secured, the Master may note on the register the discharge of such land from the charge or the discharge of such part of the money and thereupon as to the land or money discharged the charge shall cease. R.S.O. 1897, c. 138, s. 40.

Death of
person
certifying
to cessation
of charge.

(4) The death of the person who signed the requisition or certificate shall not revoke or otherwise affect the same. 7 Edw. VII., c. 30, s. 6.

Transfers after Land is Brought Under this Act.

Transfer of
land, and
delivery of
land
certificate.

38.—(1) Every registered owner may, in the prescribed manner, transfer the land or any part thereof.

Imp. 38 & 39
V., c. 87,
s. 29.

(2) The transfer shall be completed by the proper Master of Titles entering on the register the transferee as owner of the land transferred; and until such entry is made the transferor shall be deemed to remain owner of the land.

(3) Upon completion of the registration of the transferee, the Master shall, if required, deliver to him a certificate of ownership in the prescribed form.

(4) Where part only of the land is transferred, the Master shall also, if required, deliver to the transferor a certificate of ownership containing a description of the land retained by him. R.S.O. 1897, c. 138, s. 41.

Right to
compel
production
of certificate
of owner-
ship.

39.—(1) Any person who is entitled to have a transfer or charge entered on the register, shall have the right to require the holder of the certificate of ownership, if any is outstanding, to produce the certificate to the proper Master of Titles, or to deliver it to such person for production for the purpose of having all proper entries or alterations made thereon by the Master, or for cancellation when the certificate has become effete.

(2) A person entitled to have a cessation of a charge entered shall have the right to have an outstanding certificate of ownership of the charge produced in like manner in order that it may be cancelled. R.S.O. 1897, c. 138, s. 42.

Master may
require
production
of certificate
of owner-
ship.

40. Where upon an application for the registration of a charge or of a transfer of any land or charge, the proper Master of Titles considers it expedient to require the pro-

duction

duction of the certificate of ownership, either for the purpose of identifying the person dealing with the land or charge or for cancellation when the same ought to be cancelled or for any other purpose, he may do so, and may decline to enter the charge or transfer on the register until the certificate has been produced, and if the certificate is not produced within such time as the Master limits, he may return the transfer or charge. R.S.O. 1897, c. 138, s. 43.

41. Where registered land is transferred to trustees under *The Act respecting the property of Religious Institutions*, the trustees shall be registered as owners in the usual manner and by their corporate name without setting out the purposes or trusts on which the land is held, but, a note shall be made by the proper Master of Titles that the land is only to be transferred or charged in accordance with the provisions of that Act. R.S.O. 1897, c. 138, s. 44.

Transfers
to trustees
under Rev.
Stat. c. 307.

42. A transfer for valuable consideration of land registered with an absolute title, when registered, shall confer on the transferee an estate in fee simple in the land transferred, together with all rights, privileges and appurtenances belonging or appurtenant thereto, subject to:

Estate of
transferee
for valuable
considera-
tion of land
with abso-
lute title.

Imp. 33 & 39
V., c. 87,
s. 30.

- (a) The incumbrances, if any, entered or noted on the register; and
- (b) Such liabilities, rights, and interests, if any, as are declared for the purposes of the Act not to be incumbrances, unless the contrary is expressed on the register, and

As to such rights, privileges and appurtenances, subject also to any qualification, limitation or incumbrance to which the same are expressed to be subject in the register, or where such rights, privileges and appurtenances are not registered, then subject to any qualification, limitation or incumbrance to which the same are subject at the time of the transfer.

But free from all other estates and interests whatsoever, including estates and interests of His Majesty, which are within the legislative jurisdiction of Ontario. R.S.O. 1897, c. 138, s. 45. *Amended.*

43. A transfer for valuable consideration of land registered with a qualified title, when registered, shall have the same effect as a transfer for valuable consideration of the same land registered with an absolute title, save that such transfer shall not affect or prejudice the enforcement of any

Estate of
transferee
for valuable
considera-
tion of
land with
qualified
title.

Imp. 38 & 39 right or interest appearing by the register to be excepted.
 V., c. 87, R.S.O. 1897, c. 138, s. 46.
 s. 31.

Estate of
 transferee
 for valuable
 considera-
 tion of
 land with
 possessory
 title.

Imp. 38 & 39
 V., c. 87,
 s. 32.

44. A transfer for valuable consideration of land registered with a possessory title shall not affect or prejudice the enforcement of any right or interest adverse to or in derogation of the title of the first registered owner, and subsisting, or capable of arising, at the time of the registration of such owner; but, otherwise, when registered, shall have the same effect as a transfer for valuable consideration of the same land registered with an absolute title. R.S.O. 1897, c. 138, s. 47.

Estate of
 voluntary
 transferee
 of land.

Imp. 38 & 39
 V., c. 87,
 s. 33.

45. A transfer of registered land, made without valuable consideration, shall be subject, so far as the transferee is concerned, to any unregistered estates, rights, interests, or equities subject to which the transferor held the same; but, otherwise, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee, shall have the same effect as a transfer of the same land for valuable consideration. R.S.O. 1897, c. 138, s. 48.

Claims for Dower.

Claim that
 land is
 free from
 dower.

46.—(1) Where it is claimed that registered land is free from dower on account of the land being held in trust, or for some reason other than the wife's release of her dower by an instrument which can be produced and registered, and evidence to that effect which appears satisfactory is produced before the proper Master of Titles, he may issue a notice requiring the wife to support her right if she claims to be entitled to dower in the land; and if she fails to do so the Master may enter on the register a memorandum that the land is free from dower, and such entry shall, unless reversed on appeal, be a bar to any claim by such wife; and no appeal shall lie, unless the wife claims her right of dower before the Master.

(2) This section shall also apply to the widow of a former owner. R.S.O. 1897, c. 138, s. 49.

Dower of
 wife trans-
 feree of
 incumbered
 land.

47. Where registered land is transferred subject to a charge, or where the registered owner of land which is subject to a charge subsequently marries, the wife of the transferee or owner shall have the same rights in respect of dower as she would have had if the legal estate had been transferred by an ordinary mortgage and no others. R.S.O. 1897, c. 138, s. 50.

Transfers of Leaseholds.

48.—(1) Every registered owner of leasehold land may in the prescribed manner, transfer the whole of his estate in such land or in any part thereof.

Transfer of leasehold land and delivery of office copy of lease.

(2) The transfer shall be completed by the proper Master of Titles entering on the register the transferee as owner of the leasehold land transferred, but until such entry is made the transferor shall be deemed to remain owner.

Imp. 38 & 39 V., c. 87, s. 34.

(3) Upon completion of the registration of the transferee, if the transfer includes the whole of the land comprised in the registered lease relating to such land, the transferee shall be entitled to the office copy of the registered lease.

(4) If a part only is transferred, the Master, if required according to any agreement that has been entered into between the transferor and transferee, shall deliver to the one the office copy of the registered lease and to the other a fresh office copy of such lease, each of such copies shewing, by endorsement or otherwise, the parcels of which the person to whom such copy is delivered is the registered owner. R.S.O. 1897, c. 138, s. 51.

49. A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held, when registered, shall vest in the transferee the land transferred for all the leasehold estate described in the registered lease relating to such land and then unexpired, with all implied or expressed rights, privileges, and appurtenances attached to such estate, but subject to

Estate of transferee for valuable consideration of leasehold land with a declaration of absolute title of lessor.

Imp. 33 & 39 V., c. 87, s. 35.

- (a) All implied and express covenants, obligations, and liabilities incident to such estate;
- (b) The incumbrances, if any, entered or noted on the register; and
- (c) Such liabilities, rights, and interests as affect the leasehold estate and are by this Act declared for the purposes of the Act not to be incumbrances in the case of registered freehold land, unless the contrary is expressed on the register;

But free from all other estates and interests whatsoever including any estates and interests of His Majesty, which are within the legislative authority of Ontario. R.S.O. 1897, c. 138, s. 52.

Estate of transferee for valuable consideration of leasehold land without a declaration of title of lessor.

Imp. 38 & 39
V., c. 87, s.
37.

50. A transfer for valuable consideration of leasehold land registered without a declaration of the title of the lessor, shall not affect the enforcement of any estate, right or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but otherwise when registered, shall have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held. R.S.O. 1897, c. 138, s. 53.

Estate of transferee of valuable consideration of leasehold land with a declaration of qualified title of lessor.

Imp. 38 & 39
V., c. 87, s.
36.

51. A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had a qualified title to grant the lease under which the land is held, when registered, shall have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted from the effect of registration. R.S.O. 1897, c. 138, s. 54.

Estate of voluntary transferee of leasehold land.

Imp. 38 & 39
V., c. 87, s.
38.

52. A transfer of registered leasehold land made without valuable consideration shall be subject, so far as the transferee is concerned, to any unregistered estates, rights, interests, or equities subject to which the transferor held the same; but otherwise when registered in all respects and in particular as respects any registered dealings on the part of the transferee, shall have the same effect as a transfer of the same land for valuable consideration. R.S.O. 1897, c. 138, s. 55.

Implied covenants on transfer of leasehold estates.

Imp. 38 & 39
V., c. 87, s.
39.

53. On the transfer of any registered leasehold land, unless there is an entry on the register negating such implication, there shall be implied

(a) On the part of the transferor, a covenant with the transferee that, notwithstanding anything by such transferor done, omitted, or knowingly suffered, the rents, covenants and conditions reserved and contained by and in the registered lease, and on the part of the lessee to be paid, performed, and observed, have been so paid, performed, and observed up to the date of the transfer; and

(b) On the part of the transferee, a covenant with the transferor, that the transferee, his executors, administrators, or assigns, will pay, perform, and observe the rents, covenants, and conditions by and in the registered lease reserved and contained,

tained, and on the part of the lessee to be paid, performed, and observed, and will keep the transferor, his executors, administrators and assigns, indemnified against all actions, suits, expenses, and claims on account of the non-payment of the rent or any part thereof, or the breach of the covenants or conditions, or any of them. R.S.O. 1897, c. 138, s. 56.

Transfer of Charges.

54.—(1) The registered owner of a charge may, in the prescribed manner, transfer such charge to another person as owner.

Transfer of
charges on
register,

Imp. 38 & 39
V., c. 87, s.
40.

(2) The transfer shall be completed by the proper Master of Titles entering on the register the transferee as owner of the charge transferred.

(3) The transfer, when registered, shall confer upon the transferee the ownership of the charge free from any unregistered interests therein, and the transfer of part of the sum secured by a charge shall confer upon the transferee the ownership of such part free from any unregistered interests therein.

(4) Every transfer of a charge shall be subject to the state of account upon the charge between the chargor and the chargee.

(5) The Master shall also, if required, deliver to the transferee a fresh certificate of charge.

(6) The transferor shall be deemed to remain owner of such charge until the name of the transferee is entered on the register in respect thereof.

(7) The registered owner of a charge may transfer a part of the sum secured by the charge, and the part so transferred may be given priority over the remaining part, or may be deferred, or may continue to rank equally with it, as may be stated in the transfer. R.S.O 1897, c. 138, s. 57. *Amended.*

Transfer of
part of a
charge.

Time of Registration.

55. The day, hour and minute of the receipt of each instrument and copy of writ shall be noted thereon, and for the purpose of priority between chargees, transferees and others, the time of the receipt shall be deemed the time of registration. R.S.O. 1897, c. 138, s. 58.

Priority.

Transmission

Transmission of Land and Charges on Owner's Death.

Transmis-
sion on death
of owner of
freehold land.

Imp. 38 & 39
V., c. 87, s.
41.

56. On the death of the sole registered owner, or of the survivor of several joint registered owners, of any freehold land, such person shall be registered as owner, in the place of the deceased owner or owners, as may, on the application of any person interested in such land, be appointed by the proper Master of Titles, regard being had to the rights of the several persons interested in the land, and in particular to the selection of any such persons as may for the time being appear to the Master to be entitled, according to law, to be so appointed: subject to an appeal to the Court in the prescribed manner by any person aggrieved by any order of the Master under this section. R.S.O. 1897, c. 138, s. 59.

Transmission
on death of
owner of
leasehold
land or of
charge.

Imp. 38 & 39
V., c. 87, s.
42.

57. On the death of the sole registered owner, or of the survivor of several joint registered owners of any leasehold land or of any charge, the executor or administrator of such sole deceased owner, or of the survivor of such joint owners, shall be entitled to be registered as owner in his place. R.S.O. 1897, c. 138, s. 60.

Transmis-
sion on death
of one of
several own-
ers.

58. Where two or more persons have been entered as owners of any land or charge, and one of them dies, his personal representative may apply to be entered as owner jointly with the survivor or survivors. R.S.O. 1897, c. 138, s. 61.

Nature of
title of re-
gistered
fiduciary
owners.

Imp. 38 & 39
V., c. 87, s.
46.

59. Any person registered in the place of a deceased owner shall hold the land or charge, in respect of which he is registered, upon the trusts and for the purposes to which the same is applicable by law, and subject to any unregistered estates, rights, interests, or equities subject to which the deceased owner held the same; but otherwise in all respects, and in particular as respects any registered dealings with such land or charge, he shall be in the same position as if he had taken such land or charge under a transfer for a valuable consideration. R.S.O. 1897, c. 138, s. 62.

Evidence of
transmission
of registered
ownership.

Imp. 38 & 39
V., c. 87,
s. 47.

60. The fact of any person having become entitled to any land or charge in consequence of the death of any registered owner, shall be proved in the prescribed manner. R.S.O. 1897, c. 138, s. 63.

Entry of
heir or de-
visee with-
out reference
to debts of
estate.

10 Edw. VII.,
c. 56.

61. Where an heir or devisee applies to be entered as owner of any registered land, which has vested in him under *The Devolution of Estates Act*, the proper Master of Titles shall make such entry without reference to the liability of the land for debts, except under executions, copies of which have been duly lodged; and the liability under that Act of

such

such land or any transferor thereof shall be determined as if such land had not been registered under this Act. 3 Edw. VII. c. 12, s. 9. *Amended.*

Executions and Sale Thereunder.

62.—(1) The sheriff, or other officer to whom the same ^{Notice of executiona.} is directed forthwith after the delivery to him of any execution or other writ, or renewal thereof, affecting registered land, upon written request of the party by whom such execution or other writ was sued out or renewed, or of his solicitor, but not otherwise, shall deliver or transmit by registered post to the proper Master of Titles a copy of the writ certified under his hand; and no registered land shall be bound by any such writ until such copy has been received by the Master; and after the receipt by him of the copy, no transfer by the execution debtor shall be effectual, except subject to the rights of the execution creditor under the writ.

(2) The Master shall keep a book in the prescribed form. ^{Books to be kept.} in which shall be entered a record of all writs, copies of which are received by him from the sheriff or other officer.

(3) No sale or transfer under any such writ shall be valid ^{Transfer before entry void as against purchaser.} as against a person purchasing for valuable consideration before such entry is made, notwithstanding that the purchaser may have had notice of the writ.

(4) Upon production to the Master of sufficient evidence ^{Entry of satisfaction of writ.} of the satisfaction of any such writ, he shall cause an entry to be made in the book to that effect, and on such entry the writ shall be deemed to be satisfied.

(5) Every writ and renewal of a writ shall be presumed ^{When writ to be presumed to be spent.} to have been spent, and the delivery or transmission of a copy thereof shall cease to have effect at the expiration of the writ or renewal as appearing on the copy transmitted; but if there has been a sufficient commencement of the execution to enable it to be completed by the sale and conveyance of the land under the writ, and the same has not been completely executed the sheriff or officer shall, or the execution creditor may, at any time within one month before the expiration of the writ or renewal as so appearing, file with the Master a certificate of the sheriff or officer stating that fact, and such certificate shall be noted at the entry of the writ in the book, and the writ shall continue in force for a further period of one year from the filing of the certificate when it shall cease to have effect unless another similar certificate is filed, which shall operate in like manner.

Notice to Master where writ issues against owner under a different name from that on the register.

(6) Where an execution or other writ is issued against the registered owner under a different name from that under which he is registered, the writ shall have no effect under this Act, unless the person who sues out the writ, or his solicitor, gives a notice to the Master, stating the name under which the execution debtor is registered, and otherwise in the form or to the effect prescribed, or unless a like notice is written upon the copy of the writ.

(7) The sheriff or other officer shall be entitled to a fee of fifty cents for each copy of writ or certificate transmitted by him. R.S.O. 1897, c. 138, s. 64. *Amended.*

Provision in case it is claimed that land is not affected by a writ apparently affecting same.

63. Where a transferor or transferee of land, or maker or owner of a charge, claims that a writ apparently affecting land does not affect the land or charge, he shall produce such evidence thereof as the proper Master of Titles may consider necessary, and the Master may require all parties interested to be notified of the application to register freed from the writ, and may himself decide the question or may direct an issue to be tried or a case to be stated and may make such order as to costs as he deems just. R.S.O. 1897, c. 138, s. 65.

Seizure of mortgage, charge, or leasehold.

64.—(1) The seizure under execution or other process of a mortgage or charge or of leasehold land registered under this Act, shall not take effect until a certificate of the sheriff or other officer that he has taken such mortgage, charge or leasehold land under such process against the registered owner thereof is lodged with the proper Master of Titles.

(2) The certificate shall state the number of the parcel under which the land affected is registered, and the name of the owner, and shall be noted by the Master in the register.

s Edw. VII., c. 47.

(3) This section shall not apply where the proceedings prescribed by section 23 of *The Execution Act* have been taken with respect to a mortgage or charge. R.S.O. 1897, c. 138, s. 66. *Amended.*

Sale under execution of registered land.

65. Where any registered freehold or leasehold land is sold under execution or other process, the proper Master of Titles, upon the production to him of the transfer of the same by the sheriff or other officer in the prescribed form, with proof of the due execution thereof, shall cause a notice to be mailed to the proper post-office address of the person whose interest has been sold; and after the expiration of two weeks from the mailing of the notice, and if no other person has become entitled meanwhile for want of entry of the writ or otherwise, the Master shall register the purchaser as owner,

and

and shall, if required, issue to him a certificate of ownership in the prescribed form. R.S.O. 1897, c. 138, s. 67; 7 Edw. VII. c. 30, s. 7.

Sale for Taxes.

66.—(1) Where land is sold for taxes, the purchaser may ^{Sales for taxes.} at any time after the sale lodge a caution against the transfer of the land; and upon the completion of the time allowed by law for redemption, and upon the production of the transfer of the land in the prescribed form, with proof of the due execution thereof by the proper officer, the proper Master of Titles shall cause a notice to be mailed to the proper post-office address of the persons who appear upon the register to be interested in the land; and after the expiration of three months from the mailing of the notice, shall register the purchaser at the sale as owner of the land, with an absolute title; and shall, if required, issue to him a certificate of ownership in the prescribed form, unless the registration is in the meantime stayed by order of the Court, and in that case the registration shall not be made, nor shall the certificate be issued, except in accordance with the order and direction of the Court. R.S.O. 1897, c. 138, s. 68.

(2) Where it is made to appear to the master that the purchaser has so dealt with the land that a mechanic's lien has or probably has attached thereto subsequent to the sale and a claim of lien has been registered against the land the Master may register the purchaser's title as subject to the claim of lien. *New.*

Cessation of Mechanics' Liens.

67. On its appearing to the satisfaction of the proper ^{Cancellation of liens registered under 10 Edw. VII., 69.} Master of Titles that a lien under *The Mechanics' and Wage Earners' Lien Act* has ceased to exist, the Master may make an entry accordingly, or an entry cancelling the claim; and the land affected shall thereby be released from the claim. R.S.O. 1897, c. 138, s. 69.

[As to registration of *Mechanics' Liens*, see *The Mechanics' and Wage Earners' Lien Act*, 10 Edw. VII. c. 69, s. 17.]

PART V.

OTHER DEALINGS WITH REGISTERED LAND.

Registered owner only may make registered disposition.

68.—(1) No person other than the registered owner shall be entitled to transfer or charge registered freehold or leasehold land by a registered disposition. R.S.O. 1897, c. 138, s. 70 (1). ^{Effect of unregistered dispositions. Imp. 38 & 39 V., c. 87, s. 49.} *Amended.*

(2) Subject to the maintenance of the estate and right of such owner, any person, having a sufficient estate or interest in the land, may create estates, rights, interests and equities in the same manner as he might do if the land were not registered.

(3) Any person entitled to or interested in any unregistered estates, rights, interests, or equities in registered land may protect the same from being impaired by any act of the registered owner, by entering on the register such notices, cautions, inhibitions, or other restrictions as are authorized by this Act.

(4) No person other than the registered owner thereof shall be entitled to transfer a registered charge by a registered disposition; but, subject to the maintenance of the right of such owner, unregistered interests in a registered charge may be created in the same manner and with the same incidents, so far as the difference of the subject matter admits, in and with which unregistered estates and interests may be created in registered land. R.S.O. 1897, c. 138, s. 70 (2)-(4).

Right to Registration.

Right of
transferees,
and
chargees,
to regis-
tration.

69.—(1) Every transfer or charge signed by a registered owner or others claiming by transfer through, or under him, purporting to transfer or charge freehold or leasehold land, or an interest therein, capable of being registered, or purporting to transfer a charge, shall, until cut out by a conflicting registration, confer upon the person intended to take under such transfer or charge, a right to be registered as the owner of such land or charge, and where a person applies to be registered under this section, the proper Master of Titles may either forthwith, or after requiring such notices to be given as he deems expedient, register such applicant as owner, subject to such incumbrances, if any, as the condition of the title requires, notwithstanding that the transfer or charge has been executed or bears date prior to the entry of such transferor or chargor as the owner of the land or charge.

Application
of devisees,
etc., for reg-
istration.

(2) Any person claiming to be entitled to freehold or leasehold land, or to an interest therein, capable of being registered, or to a charge, as devisee, heir, executor or administrator of a person who might have been registered under subsection 1, or any person claiming through or under such devisee, heir, executor or administrator, may apply to be registered as owner of such land, interest or charge, and if no conflicting registration has been made, may be so registered subject to the provisions of this section.

(3)

(3) On registering the applicant, the Master shall, so far as practicable, enter on the register short particulars of every instrument or other title under which the right is conferred, as if such instrument had been duly presented for registration, or application for entry of transmission had been made in the proper order of time, and as a preliminary step to the registration of the applicant, may enter any intermediate transferee, heir, executor or administrator, as registered owner, where that method is more convenient.

Mode of entry.

(4) No application by a person claiming through or under a deceased person shall be allowed unless all the persons entitled to the whole of the estate of the deceased in the land are to be entered as owners. R.S.O. 1897, c. 138, s. 71.

All persons entitled must apply.

(5) The Master may in like manner enter as owner of freehold or leasehold land or of a charge any person who is entitled to such land or charge through the death of the owner, although the deceased had not been registered as owner, or any person who is entitled by virtue of the exercise of any power conferred by a statute, will, deed, or other instrument, whether the person so entitled claims directly from the deceased or directly under the power, or through any other person entitled by virtue of the death or power or through a succession of transfers or transmissions. 1 Edw. VII. c. 16, s. 2.

Entry of persons taking by transmission from unregistered owner.

Notice of Lease.

70.—(1) Any lessee or other person entitled to or interested in a lease or agreement for a lease of registered land where the term is for a life or lives, or is determinable on a life or lives, or where the period of the lease or agreement yet to run is three years or upwards, or where the occupation is not in accordance with such lease or agreement may apply to the proper Master of Titles to register notice of such lease or agreement in the prescribed manner. R.S.O. 1897, c. 138, s. 72 (1); 7 Edw. VII. c. 30, s. 8.

Lessee may apply for registration of notice of lease.

[Imp. 38 & 39 V., c. 87, s. 50.]

(2) Where the lease is by the registered owner of the land, the Master may without notice to him enter on the register such notice thereof as he deems necessary.

Manner of registering notices of leases.

[Imp. 38 & 39 V., c. 87, s. 51.]

(3) Where the lease is not by the registered owner but his title appears to be subject thereto, or in the case of an agreement for a lease, the Master upon notice to such owner may enter notice of the lease or agreement on the register.

(4) The applicant shall deliver to the Master the original lease or agreement or a copy thereof; and if the application

tion

tion is granted the Master shall make a note on the register identifying the lease or agreement or copy so deposited, and the lease or agreement or copy so deposited shall be deemed to be the instrument of which notice is given. R.S.O. 1897, c. 138, s. 73 (1); 7 Edw. VII. c. 30, s. 9.

(5) If the registered owner concurs in a registration under subsection 2 or subsection 3, notice may be entered in such manner as may be agreed upon. R.S.O. 1897, c. 138, s. 73 (2).

(6) When so registered every registered owner of the land and every person deriving title through him, excepting owners of incumbrances registered prior to the registration of such notice, shall be deemed to be affected with notice of the lease or agreement as being an incumbrance on the land, in respect of which the notice is entered.

(7) Where notice of such lease or agreement has been registered the Master, on proof, to his satisfaction of the determination of the lease or agreement, shall in the prescribed manner note the determination on the register. R.S.O. 1897, c. 138, s. 72 (2-3).

(8) Where a notice of a lease or of an agreement for a lease has been registered under this section, a transferee or a chargee of the lease or agreement may apply to have a notice of his transfer or charge entered on the register. *New.*

(9) Unless the transferee or chargee has actual notice of a prior transfer or charge, a transfer or charge in respect of which a notice has been entered, shall take priority of one of which notice has not been entered. *New.*

Notice of Estates in Dower or by the Curtesy.

Registration
of notices of
estates in
dower or by
the curtesy.
Imp. 38 & 39
V., c. 87, s.
52.

71. Any person entitled to an estate in dower or by the curtesy in any registered land, may apply in the prescribed manner to the proper Master of Titles to register notice of such estate; and the Master, if satisfied of the title of such person to such estate, shall register notice of the same accordingly in the prescribed form; and when so registered, such estate shall be an incumbrance appearing on the register, and shall be dealt with accordingly. R.S.O. 1897, c. 138, s. 74.

Caution against Registered Dealings.

Caution
against regis-

72.—(1) Any person interested in any way in any land or charge registered in the name of any other person, may lodge

lodge a caution with the proper Master of Titles to the effect that no dealings with such land or charge be had on the part of the registered owner or other named person who is shown to have an interest in the land until notice has been served upon the cautioner. R.S.O. 1897, c. 138, s. 75 (1); 7 Edw. VII. c. 30, s. 10.

(2) The caution shall be supported by an affidavit made by the cautioner or his agent or solicitor in the prescribed form, and containing the prescribed particulars.

(3) A person interested under a lease, or agreement for a lease, of which notice has been entered on the register, or a person entitled to an estate in dower, or by the curtesy, of which notice has been entered on the register, shall not be entitled to lodge a caution in respect of such lease or agreement or estate in dower or by the curtesy. R.S.O. 1897, c. 138, s. 75.

(4) Every caution founded upon an execution or upon an allegation that a transfer, charge or other dealing is fraudulent shall be renewed before the expiration of five years from the date of lodging the same, otherwise it shall cease to have effect, and every such caution lodged five years before the passing of this Act shall, unless renewed, cease to have effect one year from the passing of this Act. *New.*

73.—(1) After any such caution has been lodged, the proper Master of Titles shall not, without the consent of the cautioner, register any dealing with the land or charge until after notice to the cautioner, warning him that his caution will cease to have any effect after the expiration of the prescribed number of days next ensuing the date at which the notice is served.

(2) After the expiration of such time the Master shall enter a cessation of the caution unless good cause for its continuance is shown. *New.*

(3) Upon the caution so ceasing, the land or charge shall be dealt with in the same manner as if no caution had been lodged.

(4) A notice to a cautioner shall not be required where the dealing proposed to be registered is under the authority of a judgment or order of court in a suit or proceeding to which the cautioner is a party, or where such dealing is under a power of sale contained in a charge or mortgage which is prior to the title under which the cautioner claims, and the cautioner has been served with a notice of the pro-

posed deal-
ings, how to
be lodged.
Imp. 38 & 39
V., c. 87, s.
53.

Cautioner en-
titled to no-
tice of pro-
posed regis-
tered deal-
ings.

Imp. 38 & 39
V., c. 87, s.
54.

When notice
of proposed
registered
dealings
need not be
given to
cautioner.

posed exercise of the power of sale, and the caution is not in respect of the exercise of the power of sale, or where the dealing is of such a nature that it cannot detrimentally affect the interest of the cautioner as claimed in the affidavit filed with his caution.

(5) The Master upon receiving the consent of the cautioner to the registration of a dealing may discharge the caution unless the consent provides for its continuance, or he may discharge the caution as to the land or charge to which the dealing applies, but he shall not do so where from the nature of the dealing he is of opinion that the continuance of the caution is contemplated. *New.* R.S.O. 1897, c. 138, s. 76.

Registered owner object-
ing to the
registration
of his trans-
feree.

74.—(1) Where the registered owner of any freehold or leasehold land has executed a transfer or a charge thereof, but claims that on account of special circumstances shown by affidavit the transferee or chargee should not be registered without notice to the registered owner, the proper Master of Titles may permit the registration of a caution by the registered owner. R.S.O. 1897, c. 138, s. 77 (1); 7 Edw. VII. c. 30, s. 11.

(2) The registration of such caution shall stay the registration of the transfer until such notice has been served on the cautioner in accordance with the provisions of section 73. R.S.O. 1897, c. 138, s. 77, (2).

Registered
dealings de-
layed on se-
curity being
given.

Imp. 38 & 39
V., c. 87, s.
55.

75. If before the expiration of the prescribed period the cautioner or some person on his behalf, appears before the proper Master of Titles, and within such period, or such additional period as the Master may allow, gives sufficient security to indemnify every person against any damage that may be sustained by reason of any dealing with the land or charge being delayed, the Master may delay registering any dealing with the land or charge for such further period as he deems just, or may instead of taking the security register such dealing, subject to the caution on any condition which he thinks fit to impose, as to security or otherwise, or may make such other order as he deems just. R.S.O. 1897, c. 138, s. 78; 7 Edw. VII. c. 30, s. 12 (1).

Entry of
second
caution.

76. A second caution by the same cautioner, or by any other person in respect of the same matter, shall not be lodged, or if lodged shall not be entered, or have any effect without the special permission of the proper Master of Titles, which may be given either upon terms or without terms, as he may think proper. R.S.O. 1897, c. 138, s. 79; 7 Edw. VII. c. 30, s. 12 (2).

Sale of Standing Timber.

77. Where timber standing upon registered land is sold under an agreement in writing, the purchaser, instead of entering a caution, may deposit the agreement with the proper Master of Titles, and the Master, upon proof of the due execution thereof by the owner, shall register the same as an incumbrance upon the land by entering a memorandum upon the register referring to the instrument and giving shortly the effect thereof. R.S.O. 1897, c. 138, s. 80.

Inhibition against Registered Dealings.

78.—(1) The Court or the proper Master of Titles upon the application of any person interested, made in the prescribed manner in relation to any registered land or charge, after directing such inquiries, if any, to be made and notices to be given, and after hearing such persons as the Court or Master deems expedient, may issue an order or make an entry inhibiting for a time, or until the occurrence of an event to be named in such order or entry, or generally until further order or entry, any dealing with registered land or with a registered charge.

Power of court or master to inhibit registered dealings.
Imp. 38 & 39
V. c. 87, s. 57.

(2) The Court or the Master may make an order or an entry, and may impose any terms or conditions which may be deemed just, and may discharge the order or cancel the entry, with or without costs, and generally act in the premises in such manner as the justice of the case requires. R.S.O. 1897, c. 138, s. 81.

Power of Registered Owner to Impose Restrictions.

79.—(1) Where the registered owner of freehold or leasehold land or of a charge desires to place restrictions on transferring or charging the land or charge, he may apply to the proper Master of Titles to make an entry on the register that no transfer shall be made or charge created unless the following things, or such of them as the owner may determine, are done; that is to say—

Power to place restrictions on register.
Imp. 38 & 39
V. c. 87, s. 53.

(a) Unless notice of any application for a transfer or for the creation of a charge is transmitted by registered post to such address as he may specify to the Master;

(b) Unless the consent of some person or persons, to be named by the owner, is given to the transfer or the creation of a charge; or

(c)

- (c) Unless some other matter or thing is done as may be required by the applicant and approved by the Master. R.S.O. 1897, c. 138, s. 82; 7 Edw. VII. c. 30, s. 13.

Master to
enter restric-
tions in
register.

Imp. 38 & 39
V., c. 87, s.
59.

- (2) If the Master is satisfied of the right of the applicant to give such directions, he shall make a note of them on the register, and no transfer shall be made or charge created except in conformity therewith.

(3) The Master shall not be required to enter any direction, except upon such terms as to payment of the fees and otherwise as may be prescribed, or to enter any restriction that he may deem unreasonable, or calculated to cause inconvenience.

(4) Any such direction may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the register to be interested in such direction, and shall also be subject to be set aside by the Court. R.S.O. 1897, c. 138, s. 83; 7 Edw. VII. c. 30, s. 13.

PART VI.

SUPPLEMENTAL PROVISIONS.

Notice of Registered Instruments.

Notice by
registration.

80. No person other than the parties thereto shall be deemed to have any notice of the contents of any instruments other than those mentioned in the existing register of title of the parcel of land or which have been duly entered in the books of the office kept for the entry of instruments received or are in course of entry. R.S.O. 1897, c. 138, s. 84.

Caution Against Entry of Land on Register.

Caution
against regis-
tration of
land.

Imp. 38 & 39
V., c. 87, s.
60.

81.—(1) Any person having or claiming such an interest in any unregistered land as entitles him to object to any disposition thereof being made without his consent, may lodge a caution with the proper Master of Titles to the effect that the cautioner is entitled to notice in the prescribed form, and to be served in the prescribed manner, of any application that may be made for the registration of such land.

Renewal of
every five
years.

(2) Every caution under this section shall be renewed before the expiration of five years from the date of lodging the same, otherwise it shall cease to have effect.

(3) No caution registered under this section in respect of any unpatented land shall be of any validity unless the description contained therein specifies the land in accordance with the description subsequently contained in the Patent, or describes the same in such manner that the Master may know that the description in the caution is intended to affect the land described in the Patent. R.S.O. 1897, c. 138, s. 85. *Amended.*

Cautions as to Actions Pending.

82. A certificate of *lis pendens* affecting land shall not be registered, but any party to an action, or his solicitor, or any person claiming to be interested in the action, may lodge a caution subject to the same conditions as in other cases. R.S.O. 1897, c. 138, s. 86.

General Provisions as to Cautions.

83. After a caution has been lodged in respect of any unregistered land, and while the same is in force, registration shall not be made of such land until notice has been served on the cautioner to appear and oppose such registration, and until the prescribed time has elapsed after the date of the service of such notice, or the cautioner has appeared, whichever may first happen. R.S.O. 1897, c. 138, s. 88.

84. Every caution shall be supported by an affidavit in the prescribed form, stating the nature of the interest of the cautioner, the land to be affected by the caution, and such other matters as may be prescribed. R.S.O. 1897, c. 138, s. 87.

Caution Wrongfully Lodged.

85. Any person who lodges a caution without reasonable cause shall be liable to make to any person who may sustain damage by the lodging of such caution such compensation as may be just; and such compensation shall be deemed to be a debt due from the person who has lodged the caution to the person who has sustained damage. R.S.O. 1897, c. 138, s. 89.

86. A caution shall not prejudice the claim or title of any person, and shall have no effect except as in this Act provided. R.S.O. 1897, c. 138, s. 90.

Costs.

Costs.

Payment
of costs.

Imp. 38 & 39
V., c. 87, s.
73.

87.—(1) Any applicant under this Act shall be liable *prima facie* to pay all costs, charges, and expenses incurred by or in consequence of his application, except where parties whose rights are sufficiently secured without their appearance object, or where any costs, charges or expenses are incurred unnecessarily or improperly.

(2) The proper Master of Titles may order costs, either as between party and party, or as between solicitor and client to be paid by or to any person, party to any proceeding under this Act, and may give directions as to the fund out of which any costs shall be paid, regard being had to the provisions of subsection 1.

(3) Any person aggrieved by an order of the Master made under this section may appeal in the prescribed manner to the Court, which may annul or with or without modification, confirm the order of the Master. R.S.O. 1897, c. 138, s. 91.

Enforcement
of order.

(4) If any person disobeys any order of the Master made under this section, the Master may certify such disobedience to the Court, and thereupon, subject to such right of appeal, the order may be enforced in the like manner and by the like proceedings as if it were an order of the Court. R.S.O. 1897, c. 138, s. 92. *Amended.*

Doubtful Questions of Law or Fact.

Master may
state a case
for opinion
of court, or
apply for di-
rection to try
the issue.

Imp. 38 & 39
V., c. 87, c.
74.

88.—(1) Where upon the examination of a title or upon an application with respect to registered land the proper Master of Titles entertains a doubt as to any matter of law he may state a case for the opinion of the Court and may name the parties to it; and where he entertains a doubt as to any matter of fact he may direct an issue to be tried for the purpose of determining such fact. R.S.O. 1897, c. 138, ss. 93-94; 7 Edw. VII. c. 30, s. 14. *Amended.*

(2) The practice and procedure on and incidental to a case stated or on an issue directed under this section and the right to appeal from the judgment or other determination thereof shall be the same as on a special case or on an issue directed in an action. *New.*

(3) The powers conferred by this section shall not be exercised by a local Master of Titles except with the approval of the Inspector. *New.*

89.—(1) Where any infant, idiot, lunatic, person of unsound mind, person absent from Canada, or person yet unborn is interested in the land in respect of the title to which a question arises as aforesaid, any person interested in the land may apply to the Court for a direction that the opinion of the Court to which the case is stated under this Act shall be conclusively binding on such infant, idiot, lunatic, person of unsound mind, person absent from Canada, or unborn person. *R.S.O. 1897, c. 138, s. 95.*

Intervention of Court in case of incapacitated persons.

Imp. 38 & 39 V., c. 87, s. 76.

(2) The Court shall hear the allegations of all parties appearing before it, and may disapprove altogether, or may approve, either with or without modification, of the directions of the proper Master of Titles in respect to any case stated as to the title of land.

Power of Court to bind interests of incapacitated persons.

Imp. 38 & 39 V., c. 87, s. 77.

(3) The Court may also, if necessary, appoint a guardian or other person to appear on behalf of any infant, idiot, lunatic, person of unsound mind, person absent from Canada, or unborn person.

(4) The Court, if satisfied that the interests of the person under disability, absent, or unborn, will be sufficiently represented in any case, shall make an order declaring that all persons, with the exceptions, if any, named in the order, are to be conclusively bound; and thereupon all persons, with such exceptions, shall be conclusively bound by the decision of the Court. *R.S.O. 1897, c. 138, s. 96.*

Certificates of Ownership, Office Copies of Leases, and Certificates of Charge.

90. If any certificate of ownership or office copy of a registered lease or certificate of charge is lost, mislaid, or destroyed, the proper Master of Titles, upon being satisfied of that fact, may grant a new certificate of ownership or office copy or certificate of charge in place of the former one. *R.S.O. 1897, c. 138, s. 98.*

Loss of Land certificate, or certificate of charge, or office copy of lease.

Imp. 38 & 39 V., c. 87, s. 78.

91. The proper Master of Titles, upon the delivery up to him of a certificate of ownership, or of an office copy of a registered lease or of a certificate of charge, may grant a new certificate of ownership or office copy of lease or certificate of charge in place of the one delivered up. *R.S.O. 1897, c. 138, s. 99.*

Renewal of Land certificate, or certificate of charge, or office copy of lease.

Imp. 38 & 39 V., c. 87, s. 79.

92. A certificate of ownership or certificate of charge shall be *prima facie* evidence of the matters therein contained, and the office copy of a registered lease shall be

Land certificate, certificate of charge, and office copy of

lease to be
evidence.
Imp. 38 & 39
V., c. 87, s. 80.

evidence of the contents of the registered lease. R.S.O. 1897, c. 138, s. 100.

Effect of de-
posit of land
certificate, or
of office copy
of lease.
Imp. 38 & 39
V., c. 87, s. 81.

93. Subject to any registered estates, charges, or rights the deposit of the certificate of ownership in the case of freehold land, and of the office copy of the registered lease in the case of leasehold land for the purpose of creating a lien on the land to which such certificate or lease relates, shall be deemed equivalent to a deposit of the title deeds of the land. R.S.O. 1897, c. 138, s. 101.

Incorporeal Hereditaments, Mining Rights and Easements.

Registry of
special here-
ditaments.
Imp. 38 & 39
V., c. 87, s. 82.

94.—(1) The proper Master of Titles may register the owner of any incorporeal hereditament of freehold tenure, enjoyed in gross, also the owner of any mines or minerals where the ownership of the same has been severed from the ownership of the land, in the same manner and with the same incidents in and with which he is by this Act empowered to register the owner of land, or as near thereto as circumstances admit. R.S.O. 1897, c. 138, s. 102.

Registration
of easements
when domi-
nant land
registered.

(2) Where an easement in or over unregistered land is granted as appurtenant to registered land, the Master, after such examination as he deems necessary, may enter such easement in the register of the dominant land with a declaration that the title thereto is absolute, qualified or possessory, or otherwise as the case may require, and shall cause to be registered in the proper registry division a certificate of such entry.

Certificate of
easement
when domi-
nant land
unregistered.

(3) Where an easement in or over registered land is granted as appurtenant to unregistered land the Master may issue a certificate setting out such easement and the land to which it is appurtenant, which may be registered in the registry division in which the land is situate and he shall note on the register that such certificate has been issued. 7 Edw. VII. c. 30, s. 15.

General Provisions.

Enactment
as to regis-
tration.
Imp. 38 & 39
V., c. 87, s. 83.

95.—(1) There shall not be entered on the register or be receivable any notice of any trust, express, implied, or constructive.

Trusts.

(2) Describing the owner of any freehold or leasehold land or of any charge as a trustee, whether the beneficiary or object of the trust is or is not mentioned, shall not be deemed a notice of a trust within the meaning of this section, nor

shall

shall such description impose upon any person dealing with such owner the duty of making any enquiry as to the power of the owner in respect of the land or charge or the money secured by the charge, or otherwise; but, subject to the registration of any caution or inhibition, such owner may deal with the land or charge as if such description had not been inserted.

(3) Where two or more owners are described as trustees, the property shall be held to be vested in them as joint tenants unless the contrary is expressly stated. R.S.O. 1897, c. 138, s. 103, par. 1; 2 Edw. VII. c. 19, s. 1.

(4) Nothing in this section shall prevent the registration of a charge given by an incorporated company for the purpose of securing bonds or debentures of the company. 9 Edw. VII. c. 26, s. 15.

96.—(1) No person shall be registered as owner of any undivided share in any freehold or leasehold land or of any charge apart from the other share or shares. Undivided shares.

(2) The share of each owner may be stated, and where the extent of his interest appears on the register, or by the statement of his co-owners, he may transfer or charge his share, or he may without such statement transfer his share to his co-owners. R.S.O. 1897, c. 138, s. 103, pars. 1 and 2. *amended.*

97.—(1) Where the number of persons who may be registered as the owners of the same freehold or leasehold land or charge is limited by a Rule, a number of persons exceeding the number prescribed shall not be registered as owners of such land or charge; and if the number of persons shewing title exceeds the prescribed number, such of them not exceeding the prescribed number as may be agreed upon, or as the proper Master of Titles in case of difference decides, shall be registered as owners. Restricting number of persons who may be registered as owners.

(2) Upon the registration of two or more persons as owners of the same land or of the same charge, an entry may, with their consent, be made on the register, to the effect that when the number of such owners is reduced below a certain specified number, no registered disposition of such land or charge shall be made, except under the order of the Court.

(3) In such a case the words "No survivorship" in the entry shall be construed to mean that if any one of the owners should die, no registered disposition of the land or charge shall be made except under order of the Court. R.S.O. 1897, c. 138, s. 103, pars. 3, 4, 5. "No survivorship."

Description
of land.

98.—(1) Registered land shall be described in such manner as the proper Master of Titles deems best calculated to secure accuracy, but such description shall not be conclusive as to the boundaries or extent of the land.

(2) No alteration shall be made in the registered description of land, except under the order of the Court, or under section 119, or by way of explanation, or under Rules of Court; but this provision shall not extend to registered dealings with registered land in separate parcels, although such land was originally registered as one parcel. R.S.O. 1897, c. 138, s. 103, pars. 6, 7.

Annexation
of conditions
or covenants
to registered
land.

Imp. 38 & 39
V., c. 87, s.
84.

99.—(1) There may be registered as annexed to any land which is being or has been registered, subject to general rules and in the prescribed manner, a condition or covenant that such land or any specified portion thereof is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land. R.S.O. 1897, c. 138, s. 104 (1); 7 Edw. VII., c. 30, s. 16 (1).

(2) The first owner and every transferee, and every other person deriving title from him, shall be deemed to be affected with notice of such condition or covenant; but any such condition or covenant may be modified or discharged by order of the Court, on proof to the satisfaction of the Court that the modification will be beneficial to the persons principally interested in the enforcement of the condition or covenant. R.S.O. 1897, c. 138, s. 104.

Covenants
or conditions
running with
land.

(3) The entry on the register of a condition or covenant as running with or annexed to land shall not make it run with the land, if such covenant or condition on account of its nature, or of the manner in which it is expressed, would not otherwise be annexed to or run with the land.

Subsequent
transfers.

(4) Where a condition or covenant has been entered on the register as annexed to or running with land, and a similar condition is contained in a subsequent transfer or a similar covenant is in express terms entered into with the owner of the land by a subsequent transferee, or *vice versa*, it shall not be necessary to repeat such condition or covenant on the register or to refer thereto, but the proper Master of Titles may, upon a special application, enter such condition or covenant either in addition to or in lieu of the condition or covenant first mentioned. 7 Edw. VII., c. 30, s. 16 (2).

Registered
land to be
within.
1 Geo. V.,
c. 26.

100. All the provisions of *The Trustee Act* which are not inconsistent with the provisions of this Act shall apply

to

to land and charges registered under this Act, but this enactment shall not prejudice the applicability to such land and charges of any provisions of that Act relating to land or choses in action. R.S.O. 1897, c. 138, s. 105.

101. Neither the Master of Titles, nor any Local Master of Titles, nor any person acting under their authority, or under any order of Court or general rule, shall be liable to any action, suit, or proceeding for or in respect of any act or matter *bona fide* done or omitted to be done in the exercise or supposed exercise of the powers conferred by this Act, or of any such order or general rule. R.S.O. 1897, c. 138, s. 106.

Indemnity of Master of Titles.

Imp. 38 & 39 V., c. 87, s. 85.

Instruments need not be Sealed.

102. Notwithstanding the provisions of any statute, or any rule of law, any charge or transfer of land registered under this Act may be duly made by an instrument not under seal, and if so made, the instrument and every agreement, stipulation and condition therein shall have the same effect for all purposes as if it were made under seal. R.S.O. 1897, c. 138, s. 107. *Amended.*

Charges and transfers may be made without seal.

Married Women.

103. A married woman shall for the purposes of this Act be deemed a *feme sole*, and may execute without seal any bar of dower or other instrument required under this Act. R.S.O. 1897, c. 138, s. 108.

Execution of instruments by married women.

Persons under Disability.

104.—(1) In case any person who, if not under disability might have made any application, given any consent, or done any act, or been party to any proceeding under this Act, is an infant, an idiot, or a lunatic, the guardian of the infant, or committee of the estate of the idiot or lunatic, may make such application, give such consent, do such act, and be party to such proceedings as such person, if free from disability, might have made, given, done or been party to, and shall otherwise represent such person for the purposes of this Act.

Where any party is a minor or lunatic, guardian, etc., may act.

Imp. 38 & 39 V., c. 87, s. 88.

(2) If the infant has no guardian, or the idiot or lunatic has no committee of his estate, or if a person yet unborn is interested, the official guardian shall act with like power. or the proper Master of Titles may appoint a person with like power to act for the infant, idiot, lunatic, or person yet unborn. R.S.O. 1897, c. 138, s. 97.

Official guardian to act if no guardian, etc., or Master may appoint some person.

Plans.

Plan of lots
to be sold
by plan to be
registered

105.—(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan which has not been already registered, the person making the survey and subdivision shall register in the proper Land Titles Office a plan of the land on a scale of not less than one inch to every four chains.

Lot number
to be shown.

(2) The plan shall show in black India ink the number of the township, city, town or village lots and range or concession as originally laid out, and all the boundary lines thereof within the limits of the land being subdivided, except where such plan is a subdivision of a lot or lots on a former plan, in which case it shall show in ink of another colour the numbers or other distinguishing marks of the lot or lots subdivided and by broken lines the boundary lines thereof.

Each lot to
be numbered
and scale
shown.

(3) The number or other distinguishing mark, and the width both front and rear shall be marked on each lot of the subdivision in black India ink, the scale shall also be marked on the plan, and such information as will show the depth of the lots and the courses of all the boundaries of or the division lines between the same, and the governing line or lines to which such courses are referred shall also be indicated.

Posts or
monuments.

(4) The position of all the posts or monuments, if any, planted by the surveyor, or of other objects marking the boundaries of any of the lots or the corners thereof shall also be shown.

Roads, rail-
ways, rivers,
etc.

(5) The plan shall also show all roads, streets, railway lands, rivers, canals, streams, lakes, mill-ponds, marshes or other marked topographical features within the limits of the land so subdivided, together with such other information as is required to show distinctly the position of the land.

No two lots
to have same
number.

(6) On every such plan the lots shall be so described and designated by numbers, letters or words, that there shall not be more than one lot on such plan described and designated by the same number, letter or word, notwithstanding that the lots are on different sides of the same street or on different streets or in different blocks, and where the designation is by numbers the lots shall be numbered consecutively.

To show
what land is
laid out.

(7) The plan shall also show distinctly what land is being laid out thereby, and shall by proper colouring distinguish such land from all other land shown on the plan, but not in fact laid out thereby, and the last mentioned land shall be shown uncoloured.

(8) The plan shall be mounted on stiff pasteboard of good quality, and when it exceeds thirty inches in length by twenty-four inches in width shall be folded so as not to exceed that size, and no such plan shall be less than twenty-four inches in length or twelve inches in width. Mounting and size of plan.

(9) The plan before being registered shall be signed by the person or the chief officer of the corporation by whom or on whose behalf the same is deposited, and shall be certified by an Ontario Land Surveyor in the prescribed form. To be signed by owner and certified by land surveyor.

(10) The proper Master of Titles, before filing the plan, may require evidence to be given explaining any seeming discrepancy between the measurements on the plan and the description of the land in the register, or may require evidence respecting any other matter of which he requires explanation. *New.* Master may require explanation.

See 10 Edw. VII., c. 60, s. 80.

(11) Every person who deposits a plan of any survey or subdivision of land made by such person for the purpose of selling or conveying the same in lots, or of any alteration of a previous survey or subdivision, shall at the same time deposit a duplicate of such plan, and the Master shall endorse thereon a certificate showing the number of such plan and the date when the duplicate original thereof was filed with him, and the same shall be delivered by the Master to the treasurer, or assessment commissioner of the local municipality in which the land is situate upon request and without fee. Delivery of plans to municipal treasurers.

(12) The Master shall not file or register any plan unless and until a duplicate thereof is deposited in accordance with the provisions of subsection 11. R.S.O. 1897, c. 138, s. 109.

(13) In the case of surveys hereafter made the plan shall be accompanied by a copy certified by the surveyor by whom the survey was made to be a true copy of the field notes of the survey, if any. *New.*

106.—(1) In cases not provided for by section 105, the proper Master of Titles may require a person applying for registration to deposit a plan of the land, with the several measurements marked thereon, certified by an Ontario Land Surveyor, and as many counterparts as may be required, upon one of the following scales:— Master may require plan to be registered in certain cases.

- (a) If the land, or the part thereof proposed to be transferred or dealt with, is of less area than one acre, the plan shall be on a scale not less than one inch to two chains; Rules 50 and 51 made under Imp. Act 38 and 39 V.

(b)

(b) If the land, or the part thereof proposed to be transferred or dealt with, is of greater area than one acre, but not exceeding five acres, the plan shall be on a scale not less than one inch to five chains;

(c) If the land, or the part thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, the plan shall be on a scale not less than one inch to ten chains;

(d) If the land, or the part thereof proposed to be transferred or dealt with, is of greater area than eighty acres, the plan shall be on a scale of one inch to twenty chains.

(2) The owner shall sign the plan and verify its accuracy before some person authorized under section 132.

(3) If the owner neglects or refuses to comply with such requirements, the Master may refuse to proceed with the registration of the transfer or dealing.

(4) Subsequent subdivisions of the same land may be delineated upon a duplicate of the plan so deposited, if the scale upon which it is drawn permits of that being done in conformity to the provisions of subsection 1; and the accuracy of the delineation of each such subdivision shall be certified and verified in the manner prescribed by subsections 1 and 2.

(5) Where the land of which a plan is directed to be deposited includes parts of different subdivisions, the plan shall represent the whole of each subdivision and shall indicate the location of the land to be transferred; but this shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered, unless the Master otherwise directs. *New.*

Plan of
street, road,
lane, or
common.

107. In case a plan of subdivision lays out any portion of the land as a street, road, lane or common, it shall not be registered unless on the application of the owner of the land subdivided, with the consent in writing of all persons who are registered as mortgagees or chargees thereof. Vide R.S.O. 1897, c. 136, s. 102 (4).

Instruments
must con-
form to
plan.

108. All instruments affecting the land or any part thereof lodged with the proper Master of Titles after a plan

is registered, shall conform and refer thereto, or registration shall not be had thereunder, unless the Master under special circumstances deems it proper to accept the same. *New.*

109. No plan upon which a road, street or highway less than 66 feet wide is laid out shall be registered unless and until the assent of the proper municipal council is registered therewith where such assent is by law necessary, and no plan upon which a street, road or lane is laid out shall be filed in any such office unless there is filed therewith the approval of the proper municipal council or unless such plan is approved by a Judge of the County or District Court of the county or district in which the land lies, where the same is not in the County of York or City of Toronto, or by the Master of Titles where the land is in the County of York or City of Toronto, after notice in each case to the proper municipal council. R.S.O. 1897, c. 138, s. 110; 8 Edw. VII., c. 38, s. 1.

110.—(1) No plan, although registered in an office of Land Titles, shall be binding on the person registering the same, or upon any other person, unless a sale has been made according to such plan; and in all cases amendments or alterations thereof may be ordered to be made at the instance of the person registering the same or his assigns,

(a) By the High Court, or by a Judge thereof,

Plan not
binding
unless sale
made accord-
ing to it.

(b) Where the land is not in the County of York or City of Toronto, by a Judge of the County or District Court of the county or district in which the land lies, or

(c) Where the land is in the County of York or City of Toronto by the Master of Titles,

if on application for the purpose duly made, and upon hearing all persons concerned, it is thought just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed just and expedient.

(2) An appeal shall lie from any such order to the Court of Appeal. R.S.O. 1897, c. 138, s. 111.

111. Where all the lots on any plan of subdivision registered in a registry office are registered under this Act, the proper Master of Titles may require the Registrar to deliver the plan to him to be registered in his office; and the Registrar shall thereupon deliver the same, taking a receipt therefor. R.S.O. 1897, c. 138, s. 112.

Transfer of
plans from
registry
offices.

Notices.

Address of
persons on
register.

Imp. 38 & 39
V., c. 87, s.
89.

112.—(1) Every person whose name is entered on the register as owner of freehold or leasehold land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other character, shall furnish a place of address in Ontario, and may from time to time substitute some other place of address in Ontario for that originally furnished.

(2) If any such person fails to furnish a place of address for service, a notice sent by post addressed to such person at the place named in the registered instrument under which he claims, as his place of residence, shall be sufficient, unless the proper Master of Titles otherwise directs. R.S.O. 1897, c. 138, s. 113.

Service of
notices.

Imp. 38 & 39
V., c. 87, s.
90.

(3). Every notice by this Act required to be given to any person shall be served personally, or sent by registered post directed to such person at the address or last address, as the case may be, furnished, and unless returned, shall be deemed to have been received by the person addressed within such period, not less than seven days exclusive of the day of posting, as may be prescribed. R.S.O. 1897, c. 138, s. 114.

Return of
notices by
post-office.
Imp. 38 & 39
V., c. 87, s.
91.

(4) The envelope containing any notice under this Act shall have printed thereon the words "Office of Land Titles," and a request in the prescribed manner for the return thereof to the office of Land Titles, in case the person to whom the notice is addressed cannot be found.

(5) On the return of any envelope containing any notice, the Master shall act in the matter requiring the notice to be given in the manner prescribed. R.S.O. 1897, c. 138, s. 115.

Purchasers
for value
not
affected by
omission to
send notices.

Imp. 38 &
39 V., c. 87,
s. 92.

113. A purchaser for valuable consideration when registered shall not be affected by the omission to send any notice by this Act directed to be given, or by the non-receipt thereof. R.S.O. 1897, c. 138, s. 116.

Specific Performance.

Power of
court in ac-
tion for spe-
cific perform-
ance.

Imp. 38 & 39
V., c. 87, s.
93.

114.—(1) Where an action is instituted for the specific performance of a contract relating to registered land, or a registered charge, the Court having cognizance of the action may by such mode as it deems expedient, cause all or any persons who have registered estates or rights in the land or charge, or have entered notices, cautions or inhibitions against the same, to appear in the action, and shew cause why the contract should not be specifically performed; and the Court may direct that any order made by the Court in the action shall be binding on such persons or any of them. R.S.O. 1897, c. 138, s. 117.

(2) All costs awarded to any person so appearing may, if the Court so orders, be taxed as between solicitor and client. R.S.O. 1897, c. 138, s. 118. *Amended.*

Costs in action for specific performance.
Imp. 38 & 39
V., c. 87, s. 94.

Rectification of the Register.

115. Subject to any estates or rights acquired by registration in pursuance of this Act, where any Court of competent jurisdiction has decided that any person is entitled to any estate, right, or interest in or to any registered land or charge, and as a consequence of such decision the Court is of opinion that a rectification of the register is required, the Court may make an order directing the register to be rectified in such manner as may be deemed just. R.S.O. 1897, c. 138, s. 119.

Establishment of adverse title to land.
Imp. 38 & 39
V., c. 87, s. 95.

116. Subject to any estates or rights acquired by registration in pursuance of this Act, if any person is aggrieved by any entry made, or by the omission of any entry from the register, or if default is made or unnecessary delay takes place in making any entry in the register, any person aggrieved by such entry, omission, default, or delay, may apply to the Court in the prescribed manner for an order that the register may be rectified; and the Court may either refuse the application with or without costs to be paid by the applicant, or may, if satisfied of the justice of the case, make an order for the rectification of the register. R.S.O. 1897, c. 138, s. 120.

Register to be rectified under order of court.
Imp. 38 & 39
V., c. 87, s. 96.

117. The Master of Titles and the Local Masters of Titles shall obey the order of any competent Court in relation to any registered land, on being served with the order or an office copy thereof. R.S.O. 1897, c. 138, s. 121.

Master to obey orders of court.
Imp. 38 & 39
V., c. 87, s. 97.

118.—(1) Upon the conviction under this Act, or under the Criminal Law of Canada, of any person for an offence whereby such person fraudulently procured an entry on the register by reason of which any person other than the rightful owner has become the registered owner of land, or by reason of which land under this Act has been wrongfully incumbered, the proper Master of Titles, on the application of the rightful owner, may cancel such wrongful entry and may enter the rightful owner as the registered owner of the land.

Cancellation of fraudulent entries.

(2) If while the wrongful entry was subsisting on the register any innocent person has been registered as the owner of any charge upon, or any estate, right or interest in the land, the Master, instead of cancelling the wrongful

Where land has been transferred to innocent holder.

entry may make an entry on the register stating the fact of the conviction and revesting the land in the rightful owner subject to such charge, estate, right or interest, and the land shall thereupon be vested in the person named in such last mentioned entry in accordance with the terms thereof.

(3) This section shall apply to past as well as future cases. 1 Edw. VII., c. 16, s. 1.

Entry of
caution by
Master in
case of
error.

119.—(1) The proper Master of Titles may *sua sponte* and without affidavit enter a caution to prevent the dealing with any registered land when it appears to him that an error has been made in any entry by mis-description of such land, or otherwise.

Correction of
errors.

(2) Subject to the rules the Master, before the receipt of any conflicting instrument, or after notifying all persons interested, upon such evidence as appears to him sufficient, may correct errors and supply omissions in certificates of ownership or of charge, or in the register, or in any entry therein, and may call in any outstanding certificate for that purpose. R.S.O. 1897, c. 138, s. 122.

Restoration
of covenants
or conditions
and compen-
sation there-
for.

(3) Where the Master under this section restores to the register any covenant or condition he may do so with such modifications as he deems advisable so as to do the least possible injury to the persons affected by their omission, or by their restoration, and upon notice to the Attorney-General for Ontario, at the same time or subsequently may determine what damages, if any, shall be paid to any of the persons claiming to have been injuriously affected by the omission of the covenants or by their restoration. 2 Edw. VII., c. 19, s. 2.

Correction of
errors in
patents after
registration.
Rev. stat. c.
28.

120. Where land has been registered under this Act, and after the Minister of Lands, Forests and Mines under *The Public Lands Act* directs an incorrect patent to be cancelled and a correct one to be issued in its stead, the proper Master of Titles, upon receipt of the subsequent patent, if no conflicting instrument has been received, shall amend the entry on the register to accord with the amending patent, or if a conflicting instrument has been received, the Master, after notifying all persons interested, may make such amendment. R.S.O. 1897, c. 138, s. 123.

Fraud.

Fraudulent
dispositions.
Imp. 38 & 39
V., c. 87, s.
98.

121. Subject to the provisions of this Act with respect to registered dispositions for valuable consideration, any disposition of land or of a charge on land which, if unregis-

tered

tered, would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner. R.S.O. 1897, c. 138, s. 124.

122.—(1) Any person who fraudulently procures, attempts to fraudulently procure, or is privy to the fraudulent procurement of any entry on the register, or of any erasure from the register or alteration of the register, shall be guilty of an offence under this Act, and upon conviction shall be liable to imprisonment for any term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding \$1,000 as the Court before which he is tried may adjudge.

Certain fraudulent acts declared to be offences.
Imp. 38 & 39
V., c. 87,
s. 100.

(2) Any such entry, erasure, or alteration shall be void as between all parties or privies to the fraud. R.S.O. 1897, c. 138, s. 126. *Amended.*

See The Criminal Code, ss. 175 and 420, as to the fraudulent registration of titles and making false affidavits.

ASSURANCE FUND.

123.—(1) An Assurance Fund shall be formed for the indemnity of persons who may be wrongfully deprived of land or some estate or interest therein by reason of the land being brought under the provisions of this Act, or by reason of some other person being registered as owner through fraud, or by reason of any misdescription, omission, or other error in a certificate of ownership or of charge or in any entry on the register. R.S.O. 1897, c. 138, s. 130 (1). *Amended.*

Assurance fund.

(2) In order to constitute such fund, there shall be payable on the first registration under this Act of any land with an absolute or qualified title, in addition to all other fees a sum equal to one-fourth of one per cent. of the value of the land apart from the buildings or fixtures thereon, and one-tenth of one per cent. of the value of the buildings and fixtures, and with a possessory title one-eighth of one per cent. of the value of the land apart from the buildings or fixtures thereon, and one-twentieth of one per cent. of the value of the buildings and fixtures. 3 Edw. VII., c. 12, s. 5.

Assurance fund, how constituted.

(3) Where the sum to be paid under the foregoing provision does not amount to \$1, the amount payable shall be \$1. 3 Edw. VII., c. 12, s. 5.

(4) Subject to the rules, money payable under subsections 2 and 3 shall be paid into Court, with the privity of the Accountant of the Supreme Court, and shall be placed to

the

the credit of an account to be intituled "Assurance Fund under the Land Titles Act," and subject to the provision of subsection 5, shall be invested from time to time under the direction of the Court, and the interest or income derived therefrom shall be credited to the same account. R.S.O. 1897, c. 138, s. 130 (3).

(5) All money paid under this section, and in Court at the credit of the "Assurance Fund" and all money hereafter payable under this section shall, on his demand, be paid to the Treasurer of Ontario. 10 Edw. VII., c. 61, *part*.

(6) Where the amount to be paid into the assurance fund is not more than \$10, no fee shall be payable for a direction to the bank to receive the same, and where such amount is payable in respect of a proceeding before a Local Master of Titles, the person desiring to pay the same may, at his own risk, transmit the amount by a money order, payable to "The Accountant of the Supreme Court at Toronto," in a registered letter addressed to the Accountant, together with a requisition in the prescribed form.

Valuation
of the
land by
applicant.

(7) Subject to the rules the value of the land shall be ascertained by the oath of the applicant, unless the proper Master of Titles dispenses therewith.

Master may
obtain
valuation.

(8) Subject to the rules, if the oath of the applicant is dispensed with, or if the Master is not satisfied as to the correctness of the value stated by the oath of the applicant or of any other person, he may require the affidavit or certificate in that behalf of a sworn valuator; and such affidavit or certificate shall be conclusive.

(9) The expense of obtaining such valuation or certificate as allowed by the Master shall be paid to the Master by the registered owner, before any dealing with the land is registered. R.S.O. 1897, c. 138, s. 131.

Expenses of
valuation.

(10) The Master may require any applicant for registration to indemnify the Assurance Fund against loss by a bond or covenant to His Majesty, either with or without sureties or by such other security as he considers expedient. R.S.O. 1897, c. 138, s. 130 (3-7). *Amended*.

Election to
have fees
for assur-
ance funds
made
charge.

(11) It shall not be necessary that the assurance fees payable on first registration be then paid, but if not then paid the same shall be a charge on the land, and the amount with interest at 5 per cent. compounded annually shall be stated in the entry of ownership to be a charge on the land, and

no subsequent transfer or charge of the land or any transmission thereof, or of any part thereof, shall be registered, except as is in this section provided, until the amount of such charge shall have been paid into the Assurance Fund and proper proof of such payment furnished to the Master, but this subsection shall not apply to cases coming within subsection 12. Proviso.

(12) In the case of land situate in any of the Provisional Judicial Districts where the letters patent or a certified copy of the order in council granting the land has been forwarded to the Local Master of Titles for the purpose of registration, and the amount payable into the Assurance Fund is not paid, a note shall be made on the register and on the certificate that the land is liable to pay the assurance fee, and no subsequent transfer or charge of the land or transmission thereof shall be registered until such assurance fee, namely, a sum equal to one-fourth of one per cent. of the value at the time of payment of the land apart from the buildings or fixtures and one-tenth of one per cent. of the value of the buildings erected on or affixed thereto before the first registration thereof, but not in any case less than one dollar in respect of any parcel, is paid. R.S.O. 1897, c. 138, s. 171 (2); 6 Edw. VII., c. 19, s. 20 (2). *Amended.*

(13) Where land is sold for taxes, or upon the winding up of a company, or under execution, or under the order of a Court, the Master may register the new immediate ownership subject to such charge, and where part of a parcel is so sold or is expropriated he may, upon proof of payment of the proportion of such assurance fund charge which he deems to be fairly attributable to the part so sold or expropriated, note in the register the fact of such payment in respect of the land so sold or expropriated, and enter that part as free of the charge.

(14) Where land exceeding 400 acres is entered in one parcel the Master, upon a transfer of part of such parcel, may, in like manner, allow payment of a proportionate part of the assurance fees and enter the part transferred free of the charge. 3 Edw. VII., c. 12, s. 6, *amended*; 7 Edw. VII., c. 30, s. 21, *amended*.

124.—(1) Any person wrongfully deprived of land, or of some estate or interest therein, by reason of the land being brought under this Act, or by reason of some other person being registered as owner through fraud or by reason of any misdescription, omission or other error in any certificate of ownership or charge, or in any entry on the register, shall be entitled to recover what is just, by way of compensation Remedy of person wrongfully deprived of land.

or damages, from the person on whose application the erroneous registration was made, or who acquired the title through the fraud or error. R.S.O. 1897, c. 138, s. 132 (1); 7 Edw. VII., c. 30, s. 18.

(2) Subsection 1 shall not render liable any purchaser or mortgagee in good faith for valuable consideration by reason of the vendor or mortgagor having been registered as owner through fraud or error, or having derived title from or through a person registered as owner through fraud or error, whether the fraud or error consists in a wrong description of the property or otherwise.

(3) If the person so wrongfully deprived is unable by such means or otherwise to recover just compensation for his loss, he shall be entitled to have the same paid out of the assurance fund, so far as the fund may be sufficient for that purpose having reference to other charges thereon, if the application is made within six years from the time of having been so deprived; or, in the case of a person under the disability of infancy, lunacy or unsoundness of mind, within six years from the date at which the disability ceased.

(4) The liability of the fund for compensation and the amount of compensation shall, subject to appeal as in other cases, be determined by the Inspector, unless the Court or the Inspector on application directs some other way of ascertaining and determining the same.

(5) The costs of the proceedings shall be in the discretion of the Court or of the Inspector.

(6) Any sum paid out of the assurance fund may afterwards for the benefit of the fund be recovered by action in the name of the Inspector, from the person on whose application the erroneous registration was made, or who acquired the title through the fraud or error or from his estate and the Inspector's certificate of the payment out of the assurance fund shall be sufficient proof of the debt, but where the erroneous registration was made or the title acquired by mere error and without fraud, credit shall be given for any sum which such person may have paid into the assurance fund in respect of such land. R.S.O. 1897, c. 138, s. 132 (2-5). *Amended.*

Imp. Act,
60-61 V.,
c. 66,
s. 7 (2).

(7) Where a registered disposition would, if unregistered, be absolutely void, or where the effect of the error would be to deprive a person of land of which he is in possession, or in receipt of the rents and profits, the Inspector may in the first instance or after a reference to the Court

direct

direct the rectification of the register, and in case of such rectification the person suffering by the rectification shall be entitled to the compensation provided for by this section. 7
Edw. VII., c. 30, s. 17.

125.—(1) Where any person makes a claim upon the assurance fund for compensation in respect of land patented as mining land or in respect of any land the chief value of which consists in the ores, mines or minerals therein and it appears that such person is entitled to recover in respect of such land or of some interest therein, in determining the amount of compensation to be paid to such person the entire value of the land shall not be taken at a greater sum than eight hundred times the amount of the fees paid into the assurance fund in respect of the land, either in the first instance or under the provisions of section 126.

Rectification
of register.

Valuation of
mining lands
where com-
pensation
claimed
out of
assurance
fund.

(2) Where such fees or some part thereof were paid into the fund in respect of other land in addition to that for which a claim is so made without it appearing what amount was paid in respect of the particular parcel of land with reference to which the claim is made, the fees so paid, or the portion thereof as to which the fact may not appear to be otherwise, shall be deemed to have been paid *pro rata* in accordance with the acreage or other superficial contents of the whole parcel or of the various parcels in respect of which the fees were paid. R.S.O. 1897, c. 138, s. 133.

126.—(1) Where any person taking a transfer or charge of any land coming within the provisions of the next preceding section is of the opinion that a value to be determined under such section would not furnish a fair basis for compensation in case of loss he may with the privy of the proper Master of Titles pay into Court to the credit of the assurance fund such further sum as shall with the amount previously paid into the assurance fund in respect of such land make up one-fourth of one per cent. of the value of the land at the time of making the payment, such value to be determined in the manner provided by section 123.

Additional
payments
into fund
by trans-
feree, etc.

(2) No such additional payment shall be made except by special leave of the Master, unless the same is made within three months after the registration of the transfer or charge under which such person claims.

(3) No such payment shall affect the valuation of the land where the error which gives the right to compensation was committed before such payment was made. R.S.O. 1897, c. 138, s. 134.

Entry to be made of additional payment.

(4) Where any additional payment is made under this section, the Master shall enter a memorandum of the particulars thereof in the margin of the entry of ownership, and shall in such entry show the total amount which has been paid into the fund in respect of such land. R.S.O. 1897, c. 138, s. 135.

No claim to compensation from assurance fund.

127.—(1) No person shall be entitled to recover out of the assurance fund any compensation where

When person first registered could have conveyed good title to purchaser for value without notice.

(a) The claim is founded upon a right existing at the time of the first registration of the land and the state of the title of the land at that time was such that the person who was first registered, or the person on whose nomination or authorization such registration was made by a duly registered conveyance could have conferred, as against the claimant, a valid title to a purchaser in good faith for valuable consideration without notice of any defect in the title; and no sufficient caution had been registered and was in force when the application for first registration was made or a patent was forwarded for registration and the proper Master of Titles had not actual notice of the defect prior to the first registration;

Proviso.

New Zealand Act, No. 57, 1885, s. 53.

Where claimant had notice of registration proceedings.

(b) The claimant by direction of the Master or in accordance with the practice of the office had been served with a notice of the proceedings being had in the office, whether such proceedings were prior or subsequent to first registration and failed to appear in accordance with the requirements of the notice; or if the Master had adjudicated against him and he had failed to prosecute successfully an appeal against the Master's decision;

Where claimant's negligence has caused loss.

(c) The claimant has caused or substantially contributed to the loss by his act, neglect or default and the omission to register a sufficient caution, notice, inhibition or restriction to protect a mortgage by deposit or other equitable interest or any unregistered right, or other equitable interest or any unregistered interest or equity created under section 68 or otherwise shall be deemed neglect within the meaning of this clause.

Imp. Act, 60-6 V., c. 65, s. 7, subs. 3

(2) In this section "Claimant" shall include the person actually making the claim and any person through whom

he

he claims who he alleges was wrongfully deprived of land or of some estate or interest therein. 3 Edw. VII., c. 12, s. 1.

128.—(1) The Treasurer of Ontario on receipt of the money paid to him under subsection 5 of section 123 shall issue to the Accountant of the Supreme Court in trust, Ontario Government Stock to an amount equal to the sum so received, and such stock shall represent the assurance fund and be available for the same purposes.

(2) The stock shall be payable or redeemable at such time and shall be subject to such conditions as to inscription, registration and transfer as the Lieutenant-Governor in Council may deem advisable, and shall bear interest at the rate of two and one-half per centum per annum.

(3) The stock, together with the interest thereon shall be charged upon and paid out of the Consolidated Revenue Fund.

(4) All sums which become payable out of the assurance fund shall to the extent, but not exceeding the amount, of such fund be paid by the Treasurer of Ontario to the persons entitled thereto, out of the Consolidated Revenue Fund, on the production of an order of the Court or a Judge authorizing or directing the payment to be made or of a certified copy thereof, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant, and the amount thereof shall be reduced accordingly. 10 Edw. VII., c. 61, s. 1, *part*.

WITHDRAWING LAND FROM THE REGISTRY.

129.—(1) Where, after land has been registered, special circumstances appear, or subsequently arise, which make it inexpedient that the land should continue under this Act, the owner may apply in the prescribed manner to the proper Master of Titles for the withdrawal of the land from the Act.

(2) If the owner proves before the Master that all persons interested in the land proposed to be withdrawn, consent to its withdrawal, and satisfies the Master that special circumstances exist which render the withdrawal of such land or a part thereof expedient, the Master may issue his certificate describing the land or such part thereof as the consent covers and as the Master deems proper, in such a manner that the certificate can be properly registered in the registry office for the registry division in which the land is situate, and upon the certificate being issued this Act shall

cease

cease to apply to the land described therein, and the land shall thereafter be subject to the ordinary laws relating to real estate and to the registry laws.

Application
of section.

(3) The certificate of a Local Master under this section shall not be valid unless approved and countersigned by the Inspector.

Registration
of certificate.

(4) Upon the production of the certificate to the registrar of deeds and payment of a fee of \$1, the same shall be duly registered. R.S.O. 1897, c. 138, s. 136.

(5) This section shall not apply to land registered under section 159.

ADMINISTRATION AND MISCELLANEOUS.

Office of Land Registry.

Seal of
office.

130. There shall be a seal for every office of Land Titles. Imp. 38 & 39 V., c. 87, s. 107. R.S.O. 1897, c. 138, s. 137.

Inspector to
frame and
promulgate
form.
Imp. 38 & 39
V., c. 108.
Administra-
tion of
oaths.

10 Edw.
VII., c. 60.

131. The Inspector shall prepare and cause to be printed and promulgated, such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act. R.S.O. 1897, c. 138, s. 138. *Amended.*

132. The proper Master of Titles, or any officer of the office of Land Titles authorized by him in writing, or any person authorized for a like purpose under *The Registry Act*, may administer an oath for any of the purposes of this Act. R.S.O. 1897, c. 138, s. 139.

Depositions
taken before
special
examiners
may be
used before
Master of
Titles.

133.—(1) The proper Master of Titles in any application made to him may act upon depositions or examinations taken before any of the special examiners appointed by the Court, who may administer the requisite oath to any person whose deposition or cross-examination the Master has requested such examiner to take, and any such deposition or examination may be taken in shorthand, and any *viva voce* evidence given before the Master may be taken down by a sworn shorthand writer if the examining party so desires. R.S.O. 1897, c. 138, s. 140.

(2) The Master may name the witnesses to be examined or he may request the examiner to take the examination of all witnesses produced by any named person or persons or of any class of witnesses. *New.*

134.—(1) The proper Master of Titles, by summons under the seal of his office, may require the attendance of all such persons as he may think fit in any application made to him and may in the summons require any person to produce for inspection any document, deed, instrument or evidence of title to the production of which the applicant or any trustee for him is entitled. R.S.O. 1897, c. 138, s. 141 (1); 2 Edw. VII., c. 19, s. 3.

Power of
Master to
summon
witnesses.
Imp. 38 & 39
V., c. 109.

(2) He may also, by a like summons, require any person having the custody of any map, plan, or book made or kept in pursuance of any Statute to produce such map, plan, or book for his inspection.

(3) He may examine upon oath any person appearing before him; and he may allow to every person summoned by him reasonable charges for his attendance.

(4) Any charges allowed by the Master under this section shall be deemed to be charges incurred in or about proceedings for registration of land, and may be dealt with accordingly.

(5) If any person disobeys any order of the Master made under this section, the Master may certify such disobedience to the Court; and thereupon such person may be punished by the Court in the same manner as if the order were the order of the Court. R.S.O. 1897, c. 138, s. 141 (2-5).

(6) If any person, after the delivery to him of the summons, or of a copy thereof, wilfully neglects or refuses to attend in pursuance of the summons or to produce such map, deed, instrument, evidence of title, plan, book, or other document or to answer upon oath or otherwise such questions as may be lawfully put to him by the Master, he shall incur a penalty not exceeding \$50, recoverable under *The Ontario Summary Convictions Act*.

Non-attendance or refusal to answer questions.

Imp. 38 & 39
V., c. 87,
s. 110.

10 Edw.
VII., c. 37.

(7) No person shall be required to attend in obedience to any summons, or to produce documents unless the fees and allowances for his attendance in accordance with the tariff of the Court are paid or tendered to him. R.S.O. 1897, c. 138, s. 142.

135. The treasurer of the proper municipality upon payment of the fee prescribed by section 130 of *The Assessment Act*, shall furnish to any person requiring the same in respect of land registered or with reference to which an application for registration is pending, a certificate of payment of taxes, charges, rates and assessments, in the prescribed

Certificates
as to taxes.
4 Edw. VII.,
c. 23.

form,

form, or in a form as nearly corresponding thereto as the information given by his books of office will allow, and the certificate shall be binding upon the municipality. R.S.O. 1897, c. 138, s. 143.

Appointment
of deputy
of Master.

136.—(1) In case of the illness or absence of the Master of Titles or of a Local Master, or for any other cause, the Lieutenant-Governor in Council may appoint a person to act as the Deputy *pro tempore* of the Master or Local Master, and such Deputy, while so acting, shall have all the powers of the Master or Local Master for whom he is appointed Deputy.

(2) A person may be appointed under this section who shall have power to act from time to time. R.S.O. 1897, c. 138, s. 144. *Amended.*

(3) In case of the death of a Master the deputy may act until his authority is revoked or a Master is appointed and assumes the duties of his office. *New.*

Right to Inspect Registry.

Right to
inspect
documents.
Imp. 38 & 39
V., c. 87,
s. 104.

137. Subject to such regulations and exceptions and to the payment of such sums as may be fixed by general rules, any person registered as owner of any land or charge, and any person authorized by any such owner, or by an order of the Court, or by general rule, but no other person, may inspect and make copies of and extracts from any document in the custody of the proper Master of Titles relating to such land or charge. R.S.O. 1897, c. 138, s. 150.

Rules.

Power to
make
general
rules.
Rev. Stat.
c. 51.
Imp. 38 & 39
V., c. 87,
s. 111.

138. The Lieutenant-Governor in Council, or the Judges of the Supreme Court, under the authority of sections 122 and 125 of *The Judicature Act*, which are to be read as applying to this Act, may make General Rules in respect of the following matters,

(a) The mode in which the register is to be made and kept;

(b) The forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings or in connection with the registration, and in particular with respect to the reference to counsel of any title to land proposed to be registered with an absolute title;

(c)

- (c) The custody of any instruments coming into an office of land titles, with power to direct the destruction of any of them where they have become altogether superseded by entries on the register or have ceased to have any effect;
 - (d) The duties which are to be performed by the Master of Titles, the Local Masters and other officers employed; and what acts of the Master may be done by other officers;
 - (e) The costs to be charged by solicitors in or incidental to or consequential on the registration of land, or any other matter required to be done for the purpose of carrying this Act into execution, with power to require such costs to be payable by commission, percentage, or otherwise, and to bear a certain proportion to the value of the land registered, or to be determined on such other principle as may be thought expedient;
 - (f) The taxation of such costs and the persons by whom such costs are to be paid;
 - (g) Any matter by this Act directed or authorized to be prescribed;
 - (h) Any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be deemed expedient to make rules for the purpose of carrying this Act into execution.
- R.S.O. 1897, c. 138, s. 152.

(2) Rules may be made in like manner with respect to the amount of fees payable under this Act, and regard may be had to the following matters: R.S.O. 1897, c. 138, s. 152.

Rules
respecting
fees.
Imp. 38 & 39
V., c. 87.
s. 112

- (a) In the case of the registration of land or of any transfer of land on the occasion of a sale,—to the value of the land, as determined by the amount of purchase money; or to the value of it, to be ascertained in such manner as may be prescribed;
- (b) In the case of registration of a charge or of any transfer of a charge,—to the amount of such charge. R.S.O. 1897, c. 138, s. 154. *Amended.*

139.—(1) Subject to the rules, the fees payable in respect of such business as is analogous to the business under *The*

10 Edw.
VII., c. 60.

Registry Act, shall be the same as the fees payable to the Registrar under that Act; and all other fees and costs, whether in respect of business done by the Master of Titles, Local Master of Titles or by other officers, or by solicitors under this Act, shall be the same as nearly as may be as are payable in like proceedings in the High Court.

Stamps to
be affixed
to registered
transfer or
charge.

(2) The stamps for all fees payable on a certificate of ownership or a certificate of charge shall be affixed to the registered transfer or charge and not to the certificate, and all stamps payable in respect of registration shall be affixed to the instruments registered and not to the entry on the register. R.S.O. 1897, c. 138, s. 155.

Appeals.

Appeals
from
Master.

140. Except as provided by section 110, an appeal shall lie from any act, order, or decision of the Master of Titles or a Local Master of Titles under this Act to the High Court, and from that Court to the Court of Appeal. R.S.O. 1897, c. 138, s. 157.

Appeal from
High Court.

Imp. 38 & 39
V., c. 87,
s. 117.

141. Any person affected by an order made under this Act by the High Court may appeal therefrom to the Court of Appeal within the prescribed time, and subject to the rules in like manner as in the case of an appeal from a Divisional Court of the High Court to the Court of Appeal. R.S.O. 1897, c. 138, s. 158.

Errors in Proceedings.

Proceedings
not void for
want of
form.

142. No application, order, affidavit, certificate, registration or other proceedings shall be invalid by reason of any mistake not affecting the substantial justice of the proceeding. R.S.O. 1897, c. 138, s. 159.

Oath of Office and Security by Officers.

Oath of
office.

143.—(1) The Master of Titles, before he enters upon the duties of his office, shall take and subscribe before a Judge of the Supreme Court the oath of office in the form following:—

I, A.B., do solemnly swear that I will faithfully, and to the best of my ability, perform the duties of the office of Master of Titles.

R.S.O. 1897, c. 138, s. 145.

(2) Every Local Master of Titles and every Deputy of the Master of Titles or of a Local Master, before he enters

upon

upon the duties of his office, shall take and subscribe an oath of office similar to that required to be taken by the Master of Titles. *New.*

(3) In the case of a Local Master or of a Deputy of a Local Master, the oath may be taken before a Judge of the County or District Court. *New.*

(4) The oaths of office shall be transmitted to the Provincial Secretary. *New.*

144. Before the Master of Titles or a Local Master of Titles enters upon the duties of his office, he shall furnish security in accordance with the provisions of *The Public Officers' Act*. R.S.O. 1897, c. 138, ss. 146-148, 164 (4), (5). Bond of Master.
9 Edw. VII., c. 5.

Masters or Officers not to Act as Agents for Investors.

145.—(1) No Master of Titles, officer or clerk appointed under this Act, shall, directly or indirectly, act as the agent of any corporation, society, company, or person investing money and taking securities on land, or advise for any fee or reward, or otherwise, upon titles to land, or practise as a conveyancer or carry on or transact within the office any business or occupation other than his duties as such Master, officer or clerk, or as holder of some other office under the Government of Ontario. Master, etc., not to act as agent, etc. of investors.

(2) This section shall apply to every Local Master, but as applied to him, and the officers and clerks in his office, the word "land" shall mean land within the county, city, town or district for which he is Local Master. R.S.O. 1897, c. 138, s. 149.

EXTENSION OF ACT TO OTHER LOCALITIES AND EXPENSES.

146.—(1) The municipal council of a county, or of a city or town separated from the county for municipal purposes, may pass a by-law declaring it expedient that the provisions of this Act be extended to the county, city or town. Adoption of Act by municipality.

(2) The municipal corporations of the County of York and City of Toronto and of any county, city or town which has passed or shall pass a by-law under subsection 1, shall provide proper fire-proof and other accommodation for an office of Land Titles; and, so far as the expenses of the office are not covered by the fees collected thereat, the corporation shall pay the same, including the salary of the Master of Titles of the locality, and all necessary and proper

per books, stationery, furniture, and lighting, cleaning and heating of the office, and attendance, and other matters and things incident to the proper conduct of the business of the office.

§ Edw. VII.,
c. 19.

(3) Where this Act is extended to a county which includes a city or town separated from the county for municipal purposes, the city or town and county shall share the expenses to be borne by the locality under this Act, in such proportions as may be determined by arbitration under *The Municipal Act*, in case the councils interested do not agree in respect thereto. R.S.O. 1897, c. 138, s. 160.

Proclama-
tion extend-
ing Act to
municipality.

(4) Where such a by-law has been passed, and proper accommodation has been provided either in connection with the registry office or at some other convenient place, to the satisfaction of the Inspector, and approved by the Lieutenant-Governor in Council, the Lieutenant-Governor may, by his proclamation, extend the operation of this Act to such county, city, or town, from a day to be named in the proclamation.

(5) The fact of the conditions precedent to the issue of such proclamation having been performed shall be conclusively established by the issue of the proclamation. R.S.O. 1897, c. 138, s. 161.

Extension of
application
of Act on
petition of
owners.

147.—(1) Where not less than twenty ratepayers of any county in which is situate a city or a town to which the provisions of this Act have been extended, who are owners of land situate in such county of the aggregate assessed value of \$400,000, petition the Lieutenant-Governor in Council for the issue of a proclamation extending the provisions of this Act to the county, and the Lieutenant-Governor in Council declares that it is expedient that the same should be so extended, the provisions of section 146 shall apply to such county as fully as they would have been applicable had a by-law been passed by the council of the county.

(2) In the cases provided for by subsection 1, the Local Master shall not be entitled to be paid a salary, unless the county council passes a resolution for the payment to him of a salary to be provided by the county, but such Local Master shall be entitled to retain for his own use the fees collected upon proceedings in his office.

(3) All costs and expenses incurred in introducing the Land Titles system into the county, or incurred during one year thereafter in connection therewith, shall be paid by the petitioners.

(4)

(4) The owners of land which is assessed as land of non-residents shall be deemed ratepayers within the meaning of this section. 7 Edw. VII. c. 30, s. 19.

148.—Where this Act applies to a county, city or town entitled to receive money under sections 101 and 102 of *The Registry Act*, the registrar shall pay to the Treasurer of Ontario, to be applied, so far as necessary, in defraying the salary of the Master and other expenses of the office, the money payable either directly or indirectly, to the county, city, or town under that Act, and the Treasurer shall pay the balance to the county, city or town; and if the amount so paid to the Treasurer is not sufficient, the residue, or if nothing is payable by the registrar, the whole of such salary and expenses shall be made good to the Province by the corporation of the county, city or town. R.S.O. 1897, c. 138, s. 162. *Amended.*

Surplus fees under 10 Edw. VII., c. 60, to be applied in defraying expenses of Land Titles Office.

LOCAL MASTERS OF TITLES.

149.—(1) Where at the time of the issue of a proclamation under section 146 there is a Referee of Titles under *The Quieting Titles Act*, residing in the locality, such referee shall *ex-officio* be the first Local Master of Titles therefor, unless he practises as a barrister or solicitor, or is a Judge of the County Court, and he shall hold the office during the pleasure of the Lieutenant-Governor in Council. R.S.O. 1897, c. 138, s. 163.

Local Masters of Titles *ex-officio*. 10 Edw. VII., c. 59.

(2) Subject to the provisions of subsection 1, the Lieutenant-Governor in Council may appoint a Master of Titles for any locality in which this Act is in force, to be styled "The Local Master of Titles" for the county, city, town or district, as the case may be, who shall hold office during pleasure.

Appointment of Local Masters.

(3) The person appointed may, in the discretion of the Lieutenant-Governor in Council, be a Judge of a County or District Court, a barrister or solicitor, whether practising or not, or a registrar. R.S.O. 1897, c. 138, s. 164 (1, 2).

Qualification.

(4) The Local Master of Titles shall be paid by salary or fees for his services in that capacity, such salary to be fixed by the Lieutenant-Governor in Council from time to time, with reference to the amount or probable amount of the business, on the report of the Inspector.

Salary.

(5) The Order in Council shall be laid before the Assembly, as provided in respect of Orders in Council under section 187 of *The Judicature Act*. R.S.O. 1897, c. 138, s. 164 (3); 2 Edw. VII. c. 19, s. 4.

Rev. Stat. c. 51.

Commuta-
tion of fees
of Registrar
or Local
Master of
Titles.

(6) The Lieutenant-Governor in Council may commute the fees payable to a Registrar of Deeds or Local Master of Titles, in any county or district whether both offices are held by one officer or otherwise for a fixed sum each year, provided that such sum shall not exceed the income which such Registrar or Local Master would have derived from fees during such year, and the fees so commuted shall on or before the 15th day of January in each year be paid over to the Treasurer of the Province in the case of a district for the use of the Province, and in the case of a county or city shall be subject to such division between such county or city and the Province as the Lieutenant-Governor in Council may direct.

(7) Where such Registrar or Local Master holds office for part of a year, he or his executors or administrators shall be entitled to the just proportion of such commuted fixed sum. 10 Edw. VII. c. 26, s. 36.

DUTIES AND POWERS OF LOCAL MASTERS.

Master's
authority
and duties.

150. Except where otherwise provided by this Act, every Local Master of Titles, in respect to land situate within the territory for which he is appointed, shall have all the authority of and perform all the duties which, in the County of York, are performed by the Master of Titles, subject to appeal in the same manner. R.S.O. 1897, c. 138, s. 165.

First Registration.

Local
Master to
transmit
title deeds,
etc., to
Inspector.

151.—(1) If, upon an application for first registration, the Local Master of Titles finds that the applicant, or his nominee, is entitled to be registered, he shall sign a memorandum to that effect at the foot of the application, and shall transmit the same to the Inspector, with the deeds, evidence, and other papers before him, and a draft of the entry of ownership proposed to be made.

Proceedings
where
Inspector
concurs in
Master's
finding.

(2) If the Inspector concurs in the opinion of the Local Master, he shall approve thereof and shall return the papers transmitted to him, and the Local Master may thereupon register the applicant, or his nominee, as owner.

Proceedings
where
Inspector
does not
concur.

(3) If the Inspector does not concur in the opinion of the Local Master, he shall communicate his opinion to the Local Master and shall cause such action to be taken as he deems expedient, and if his objections are not removed by

explanations or additional evidence, the applicant or his nominee shall not be registered, unless the Court on appeal, or on a case stated for its opinion, otherwise directs.

(4) If there is a contest upon the decision of the Inspector concurring in the Local Master's opinion, registration shall be delayed for ten days to enable anyone who so desires to appeal. R.S.O. 1897, c. 138, s. 166. Stay of proceedings in case appeal desired.

152.—(1) Until an Inspector is appointed, applications for first registration in the Provisional Judicial Districts not coming within sections 159, 160 and 162 shall be made to the Master of Titles and not to the Local Master for the district, and upon the Master of Titles finding that an applicant is entitled to be registered he shall issue his certificate to that effect to the Local Master who shall thereupon register the land in accordance with the terms of such certificate. 3 Edw. VII. c. 12, s. 7; 7 Edw. VII. c. 30, s. 23. *Amended.* Applications for first registration in districts.

153. Sections 151 and 152 shall not apply to applications coming within sections 159, 160 and 162, or to applications for a possessory title, or for the registration of leasehold land where the freehold or other estate out of which the lease is derived is registered land, or where a declaration of the title of the lessor to grant the lease is not required. 7 Edw. VII. c. 30, s. 23. *Amended.*

154.—(1) Where an application is made under section 152 the Master of Titles may request the registrar of the registry division in which the land lies to transmit by registered post, or by express, any instrument appearing on the abstract, or required in connection with the application, which the Master desires to examine. Duty of registrar of district when required to forward documents of title to Master.

(2) The registrar shall comply with such request and shall, with such documents, send a list of all the documents transmitted and shall retain a copy of the list.

(3) The Master shall return the documents, as soon as practicable, by registered post or by express, sending therewith to the registrar a list of all the documents so returned and keeping a copy of the list.

(4) The registrar, in addition to his usual fees for the production of a document, shall be entitled to an additional fee of 10 cents for each document transmitted as compensation for his trouble in respect of such transmission, the preparation of the list and returning the documents to their proper files. 3 Edw. VII. c. 12, s. 8. *Amended.*

Subsequent

Subsequent Registration.

Submission
of case to
Inspector
where
Master in
doubt.

155. If on the application for the registration of an instrument after a first registration or for the registration of a transmission, the Local Master of Titles is unable to come to a clear conclusion as to the action which he should take, he shall delay making the required entry until he has stated the facts to the Inspector for his opinion and in submitting the case the Local Master shall state his own view and his reasons therefor. R.S.O. 1897, c. 138, s. 167.

INSPECTOR OF OFFICES OF LAND TITLES.

Appoint-
ment of
Inspector.

156.—(1) The Lieutenant-Governor in Council may appoint an officer, to be called "The Inspector of Land Titles Offices." R.S.O. 1897, c. 138, s. 168 (1); 7 Edw. VII. c. 30, s. 20.

Duties.

10 Edw.
VII., cc. 59
and 60.

(2) The Inspector shall, subject to the rules, have the like powers and duties as an Inspector under *The Quieting Titles Act*, and as an Inspector under *The Registry Act*, respectively, and such other duties as may be required of him by the rules, or as he may be required by the Lieutenant-Governor in Council to perform.

Salary.

(3) The salary of the Inspector, his travelling expenses, and all expenses of and incidental to his office, shall be paid by the Province, and shall be repaid to the Treasurer of Ontario by the corporations of the localities in which this Act is from time to time in operation, in such proportions as after a report from the Inspector the Lieutenant-Governor in Council may determine. R.S.O. 1897, c. 138, s. 168. *Part.*

Perform-
ance of
duties until
Inspector
appointed.

157. Until an Inspector is appointed, the duties of the Inspector shall be performed by the Master of Titles, or by some other person authorized by the Lieutenant-Governor in Council, and the expenses of and incidental thereto shall, in like manner as is hereinbefore provided be repaid to the Treasurer. R.S.O. 1897, c. 138, s. 168. *Part.*

Appeal from
Inspector.

158. In all matters decided by the Inspector which are of like character as matters over which the Master of Titles has jurisdiction in the County of York, an appeal shall lie from any act, order or decision of the Inspector to the High Court, and from that Court to the Court of Appeal. R.S.O. 1897, c. 138, s. 168. *Part.*

REGISTRATION OF NEWLY PATENTED LANDS IN DISTRICTS.

159.—(1) Where any land situate in a Provisional Judicial District is granted by letters patent or by order of the Lieutenant-Governor in Council, the letters patent or a certified copy of the Order in Council shall be forwarded to the Local Master of Titles of the District for the purpose of the grantee being entered as the first registered owner of the land, **with any necessary qualifications.**

Letters Patent or Order-in-Council granting lands in certain districts, registration of.

(2) Subsection 1 shall not apply to land covered with the waters of Lake Huron adjacent to the Great Manitoulin Island, Cockburn Island or Fitzwilliam Island, in the District of Manitoulin, or adjacent to any island which, in whole or in part, lies between headland and headland around such three Islands. 6 Edw. VII. c. 19, s. 20.

(3) It shall not be necessary to issue a notice in respect of a caution or adverse claim which has been lodged, if by the certificate of the Minister or Deputy Minister of Lands, Forests and Mines it appears that the claim in respect of which such caution or adverse claim was lodged was considered by the Minister and disposed of before the issue of the patent; and if before the receipt of such a certificate any proceedings have been taken by a Local Master in respect of such caution or adverse claim, he shall thereupon discontinue the same, and disallow any objection or claim founded thereon, and make such order as to costs as he deems just.

(4) Where there is no contest as to the rights of the parties the Local Master may make the requisite entry and issue his certificate; but in case of a contest, he shall transmit the papers to the Inspector before registering the patentee as owner, and shall otherwise proceed as provided in section 151.

(5) Where the cautioner consents to the registration of the patentee the Local Master need not issue any notice on account of such caution.

(6) Letters Patent from the Crown demising land, or mining rights for a term of years, or for any greater estate, granted on or after the 31st day of December, 1887, shall be deemed to have been and to be within the provisions of this section. R.S.O. 1897, c. 138, s. 169 (3-6); 62 V. (1) c. 2, s. 1. *Amended.*

Patents demising lands for term of years declared within this section.

160. Where land situate in a Provisional Judicial District has been patented by the Government of Canada the Local Master of Titles shall have authority to register the patentee

Registration of Dominion patentees.

as owner of such land and may do so without submitting his finding upon the application to the Inspector for his concurrence. 6 Edw. VII. c. 19, s. 20 (3).

Notice by
Master to
sheriff.

161.—(1) Upon an entry of ownership being made, the Local Master of Titles shall, in the prescribed form, notify the sheriff in whose bailiwick the land lies of the entry of the patentee as owner.

(2) The notice shall be sent by registered post, and no entry of any dealing with the land shall be made in the register until fourteen days after the mailing of the notice, unless proof is previously made that the land is not liable to any execution.

(3) The sheriff, upon receipt of the notice, shall forthwith transmit to the Local Master a copy of any execution in his hands affecting the land of the patentee, and if within the fourteen days no copy of an execution against the land of the patentee is received from the sheriff, the Local Master may assume that the land is not subject to any execution and may enter subsequent dealings with the land accordingly; and as against such entry no claim shall afterwards be sustained in respect of an execution against the patentee.

Entry
where claim
for taxes or
copy of
execution
received.

(4) Where the Local Master receives from the sheriff a copy of an execution affecting the land, an entry thereof shall be made against the land and all dealings with it shall be subject to such execution. R.S.O. 1897, c. 138, s. 172 (1-4); 7 Edw. VII. c. 30, s. 22.

Registration
of transferee
of patentee.

162.—(1) Where a patent for land is forwarded to a Local Master of Titles under section 159, and it is made to appear to him that the patentee since the date of the patent has transferred the land to some other person, the transferee, or in case of a further transfer or transfers the ultimate transferee of the land, shall be entered as the first registered owner, and shall be described as the transferee of the patentee or otherwise according to the fact. R.S.O. 1897, c. 138, s. 170.

(2) Before entering a transferee as first registered owner, the Local Master shall require evidence to be produced shewing that there is no execution affecting the land. *New.*

Fees payable
to Local
Master.

163. Where notices or other proceedings are necessary, the Local Master shall be entitled to charge in addition to his disbursements the like fees as are payable to the Master of Titles in respect of similar proceedings, and where notices are

not necessary the Local Master shall be entitled to charge his actual disbursements. R.S.O. 1897, c. 138, s. 172 (5, 6).

Amended.

164. The following Acts and parts of Acts are repealed: ^{Repeal.}
chapter 138 of Revised Statutes of Ontario, 1897, chapter 16 of the Acts passed in the 1st year, chapter 19 of the Acts passed in the 2nd year, chapter 12 of the Acts passed in the 3rd year, section 20 of chapter 19 of the Acts passed in the 6th year, chapter 30 of the Acts passed in the 7th year, chapter 38 of the Acts passed in the 8th year, section 15 of chapter 26 of the Acts passed in the 9th year, section 36 of chapter 26, and chapter 61 of the Acts passed in the 10th year of the reign of His late Majesty King Edward VII.

165. This Act shall come into force on the first day of ^{Commence-}
September, 1911. ^{ment of}
^{Act.}

CHAPTER 29.

An Act respecting Water Privileges.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	APPLICATION TO COUNTY JUDGE TO OBTAIN POWERS UNDER THIS ACT, ss. 5-7, 9-13.
OCCUPIED WATER PRIVILEGE, DEFINED, s. 2.	REGISTRATION OF JUDGE'S ORDER, s. 14.
OCCUPIED WATER PRIVILEGE EXISTING PROTECTED, s. 3.	POWERS OF JUDGE, s. 15.
RIGHT OF ENTRY UPON LANDS TO IMPROVE WATER OR MILL PRIVILEGES, s. 4.	FEES OF JUDGE, s. 16.
CASE OF PRIVILEGE NOT IN ACTUAL USE, s. 8.	APPEALS FROM JUDGE'S ORDER, s. 17.
	OBSTRUCTING NAVIGATION, ETC., s. 18.
	REPEAL, s. 19.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title **1.** This Act may be cited as *The Water Privileges Act*. (New.)

Meaning of "occupied water privilege," etc. **2.** In this Act "occupied water privilege" shall mean a mill privilege, or water power, which has been or is in use for mechanical, manufacturing, milling or hydraulic purposes, or for the use of which for any of such purposes the necessary works are *bona fide* in course of construction. R.S.O. 1897, c. 141, s. 1.

Occupied water privilege not to be interfered with. **3.** Subject to the provisions of section 8, an occupied water privilege shall not be in any manner interfered with or encroached upon under the authority of this Act without the consent of the owner. R.S.O. 1897, c. 141, s. 20.

Right of persons to enter and acquire lands for improving water privileges. **4.**—(1) A person desiring to use or improve a water privilege, of which, or of a part of which he is the owner or legal occupant, for any mechanical, manufacturing, milling or hydraulic purposes, by erecting a dam and creating a pond of water, increasing the head of water in any existing pond, or extending the area thereof, diverting the waters of any stream, pond or lake into any other channel, constructing
any

any raceway, or other erection or work which he may require in connection with the improvement and use of the privilege, or by altering, renewing, extending, improving, repairing or maintaining any such dam, raceway, erection or work, or any part thereof, shall have the right to enter upon any land which he may deem necessary to be examined, and to make an examination and survey thereof, doing no unnecessary damage and making compensation for the actual damage done.

(2) If, upon an application to a Judge of the County or District Court, as hereinafter provided, such person obtains authority, he may take, acquire, hold and use such portions of the land so examined or such rights over or in respect thereof as the Judge may deem necessary for the completion, improvement or maintenance of the water privilege and works in connection therewith. R.S.O. 1897, c. 141, s. 2.

5.—(1) A person desiring to exercise the powers hereinbefore mentioned, or any of them, shall cause:—

Proceedings
for obtaining
the powers
given by
this Act.

(a) Surveys and levels to be made and taken of the lands sought to be taken, used or otherwise affected, and a map or plan thereof to be prepared;

(b) A statement to be prepared giving,

(I) A general description of the land to be taken and of the powers intended to be exercised with regard to any land, describing them;

(II) The names of the owners and occupiers of the land, so far as they can be ascertained, and

(III) Everything necessary for the right understanding of the map or plan, including a registrar's certified abstract of the titles to all the land to be affected by the application;

(c) The map or plan and the statement to be filed in the office of the Clerk of the County or District Court of the county or district wherein the land or part thereof is situate.

(2) He may then apply to the Judge of such County or District Court for an order empowering him to exercise the

powers

powers or such of them as he may desire. R.S.O. 1897, c. 141, s. 4.

Public notice of application.

6. In addition to any other notice which the Judge may direct to be given public notice of the application stating the time and place when and where the same is to be heard, shall be inserted for such period as the Judge may direct, in a newspaper published in the county or district or one of the counties or districts where the proposed works are to be constructed, or any of the land affected is situate. R.S.O. 1897, c. 141, s. 5.

If the application is for the public good, Judge to grant an order.

7. If the Judge is of the opinion that the allowance of the application in whole or in part, is in the public interest and is proper and just under all the circumstances of the case, he may make an order empowering the applicant to exercise such of the powers as the Judge may deem expedient, for such time and on such terms and conditions as he may determine, and the land affected shall be described in the order. R.S.O. 1897, c. 141, s. 7.

Evidence on application to Judge against owner of privilege not in actual use, as to user and intent.

8. Where evidence is produced which satisfies the Judge that the owner of a water privilege which has been, but is not then in use for any of the purposes mentioned in subsection 1 of section 4, is holding the same with the intention of again using it for mechanical, manufacturing, milling or hydraulic purposes, the Judge may make an order fixing the time within which the necessary works for the actual use of such water privilege, shall be constructed and actually used, and, unless such evidence is produced or the terms of such order are complied with, the water privilege shall not be deemed to be an occupied water privilege within the meaning of this Act. R.S.O. 1897, c. 141, s. 3. *Amended.*

The case of two claiming the powers under this Act.

9. Where two or more persons claim to exercise the powers conferred by this Act, in respect of the same water privilege or any part thereof, the Judge may impose such terms as he may deem just, and may also limit a time within which the person whose application he allows shall construct the necessary works, and actually use such water privilege. R.S.O. 1897, c. 141, s. 14.

Ponds created not to exceed twenty acres, unless on order of County Judge.

10. No pond shall be authorized to be made or enlarged so as to exceed twenty acres in extent unless the Judge for special reasons otherwise directs. R.S.O. 1897, c. 141, s. 19.

Nature of the Judge's order.

11.—(1) The Judge shall state in the order the height to which the water may be raised, and fix the extent of the pond.

(2) The Judge shall also assess the sum to be paid as the value of the land to be taken or used or of the powers to be exercised, and the damages, if any, to be paid as compensation by the applicant for any injury which may be occasioned by the proposed works and may make such order as to costs as he may deem just.

(3) The costs shall be the same as in ordinary proceedings in the County Court, and shall be taxed by the Clerk. R.S.O. 1897, c. 141, s. 8; 5 Edw. VII. c. 13, s. 13.

12.—(1) The sums so assessed and the costs shall be paid ^{Payment of amount awarded.} to the persons entitled thereto, or into the High Court as ^{Setting aside order.} the Judge may direct, before the powers or any of them are exercised, and within sixty days after the order is made.

(2) If the same are not so paid the order may be enforced ^{9 Edw. VII. c. 46.} under *The Judges Orders Enforcement Act*, or, at the option of any of the persons entitled to receive a sum so assessed, may, on application to the Judge, be set aside and vacated as to him, and in such case the Judge may make such order as to the costs of the proceedings and of the application as he may deem just. R.S.O. 1897, c. 141, s. 9. *Amended.*

13. Upon the payment of the sums assessed and costs, the applicant shall be entitled to a conveyance, to be settled by ^{Conveyance of the lands.} the Judge in case of dispute, of the land or rights mentioned in the order in respect of which payment is so made, and shall be further entitled to have and exercise such of the powers mentioned in section 4 as he is authorized by the order to exercise. R.S.O. 1897, c. 141, s. 10.

14. For the purpose of registration the order shall be ^{Registration of Judge's order.} deemed a judgment of the Court to which the Judge belongs. R.S.O. 1897, c. 141, s. 11, *part.*

15. The Judge shall have all the powers possessed by him, ^{Judge's powers.} or by a County or District Court, in an action. R.S.O. 1897, c. 141, s. 12.

16. The Judge shall be entitled for his services to the like ^{Judge's fees.} fees as are allowed to professional arbitrators. R.S.O. 1897, c. 141, s. 13.

17.—(1) By leave of a Judge of the High Court ^{an appeal from County Judge to Divisional Court.} appeal shall lie from the final order of the Judge on any application under this Act, to a Divisional Court of the High Court.

(2) On such appeal the decision of the Judge upon questions of fact and all other questions shall be open to review. R.S.O. 1897, c. 141, s. 15.

Leave to
appeal and
practice.

(3) The application for leave to appeal shall be made within ten days from the day on which the order appealed from is made, or within such further time as a Judge of the High Court may allow.

(4) The Judge to whom the application is made shall determine the time within which the appeal shall be set down to be heard, the persons upon whom notice of the appeal shall be served and all such other matters as he may deem necessary for the most speedy and least expensive determination of the appeal. R.S.O. 1897, c. 141, s. 16. *Amended.*

Non-compli-
ance with
conditions of
appeal an
abandon-
ment.

(5) If the appeal is not set down to be heard within the time limited, or if any other condition imposed is not complied with, the appeal shall, unless otherwise ordered by a Judge of the High Court, be deemed to have been abandoned. R.S.O. 1897, c. 141, s. 17.

Costs and
practice on
appeal.

(6) The practice and procedure upon the appeal, except so far as is herein or by the Judge to whom the application for leave is made, otherwise provided, shall be the same as upon an appeal from a County Court. R.S.O. 1897, c. 141, s. 18.

Work not to
be in contra-
vention of
*The Rivers
and Streams
Act.*

18. No work shall be constructed under the authority of this Act in contravention of the provisions of *The Rivers and Streams Act*. R.S.O. 1897, c. 141, s. 22. *Amended.*

Repeal.

19. Chapter 141 of the Revised Statutes of Ontario, 1897, and section 13 of *The Statute Law Amendment Act, 1905*, are repealed.

§ 47

CHAPTER 30.

An Act respecting Conditional Sales of Goods.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Conditional Sales Act*. Short title.

2. In this Act,
 "Goods" shall include wares and merchandise. Interpreta-
tion.
New. "Goods."

3.—(1) Where possession of goods is delivered to a purchaser or a proposed purchaser or a hirer of them, in pursuance of a contract which provides that the ownership is to remain in the seller or lender for hire until payment of the purchase or consideration money or part of it, as against a subsequent purchaser or mortgagee claiming from or under the purchaser, proposed purchaser, or hirer without notice in good faith and for valuable consideration, such provision shall be invalid, and such purchaser or proposed purchaser or hirer shall be deemed the owner of the goods, unless

Conditional
sale of
Goods ac-
companied
by delivery
to be invalid
against sub-
sequent pur-
chasers or
mortgagees
unless

(a) The contract is evidenced by a writing signed by the purchaser, proposed purchaser or hirer or his agent stating the terms and conditions of the sale or hiring and describing the goods sold or lent for hire; and, the contract
is in writing

(b) Within ten days after the execution of the contract a true copy of it is filed in the office of the Clerk of the County or District Court of the county or district in which the purchaser, proposed purchaser, or hirer resided at the time of the sale or hiring. and a copy
filed in office
of clerk of
County or
District
Court.

(2) Subsection 1 shall apply to the case of a hire receipt where the hirer is given an option to purchase. Hire
receipts.
R.S.O.,
1897,

1897, c. 149, ss. 1 and 2; 4 Edw. VII., c. 10, s. 37; 6 Edw. VII., c. 19, s. 3. *Amended.*

Goods delivered for the purpose of resale.

(3) Where the delivery is made to a trader or other person for the purpose of resale by him in the course of business such provision shall also as against his creditors be invalid and he shall be deemed the owner of the goods unless the provisions of this Act have been complied with.

(4) Where such trader or other person resells the goods in the ordinary course of his business the property in and ownership of such goods shall pass to the purchaser notwithstanding that the provisions of this Act have been complied with. R.S.O., 1897, c. 148, s. 41. *Amended.*

(5) Clause (b) of subsection 1 shall not apply to a contract respecting manufactured goods, including pianos, organs or other musical instruments which at the time possession is delivered have the name and address of the seller or lender painted, printed, stamped or engraved thereon or plainly attached thereto, nor to a contract respecting household furniture other than pianos, organs or other musical instruments.

Error in name or description.

(6) An error or inaccuracy in the name or address of the seller or lender which does not mislead shall not prevent the application of subsection 5. See R.S.O., 1897, c. 149, s. 4. *Amended.*

Rolling stock sold to railway company.

(7) This section shall not apply to a contract for the sale by an incorporated company to a railway company of rolling stock if the contract or a copy of it is filed in the office of the Provincial Secretary within ten days from its execution. 3 Edw. VII., c. 13, s. 2.

Copy of contract to be given to purchaser or hirer.

4. The seller or lender shall deliver a copy of the contract to the purchaser or hirer within twenty days after the execution thereof, and if, after request, he neglects or refuses to do so, the Judge of the County or District Court of the county or district in which the purchaser or hirer resided when the contract was made may, on summary application, make an order for the delivery of such copy. R.S.O., 1897, c. 149, s. 5. *Amended.*

Index to be kept by clerk of County or District Court.

5. The Clerk of the County or District Court shall make a record of every contract of which a copy is filed in his office under this Act in an Index Book to be kept for that purpose, and he shall be entitled to a fee of ten cents for making the record and to a fee of five cents for every search in respect thereof. R.S.O., 1897, c. 149, s. 4, part.

6. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract which does not mislead shall not invalidate the filing or destroy the effect of it. R.S.O., 1897, c. 149, s. 4, part. Effect of error in copy of contract filed.

7.—(1) The seller or lender shall within five days after the receipt of a request in writing from any proposed purchaser of any goods to which this Act applies, or from any other person interested, furnish particulars of the amount remaining due to him and the terms of payment of it and in default he shall incur a penalty not exceeding \$50, recoverable under *The Ontario Summary Convictions Act*. R.S.O., 1897, c. 149, s. 6 (1); 6 Edw. VII., c. 19, s. 24. Particulars of claim on goods to be given on written request.
10 Edw. VII., c. 37.

(2) If the request is by letter the person making the request shall give a name and post office address to which a reply may be sent, and it shall be sufficient if the information is given by registered letter deposited in the Post Office within the prescribed time addressed to the person enquiring, at his proper post office address, or where the name and address is given by him by the name and at the post office address so given. R.S.O., 1897, c. 149, s. 7. How particulars to be given.

8.—(1) Where the seller or lender retakes possession of the goods for breach of condition he shall retain them for twenty days, and the purchaser or hirer or his successor in interest may redeem the same within that period on payment of the amount then in arrear, together with interest and the actual costs and expenses of taking and keeping possession. R.S.O., 1897, c. 149, s. 8, and 6 Edw. VII., c. 19, s. 25. Goods re-taken to be retained for 20 days.

(2) Where the purchase price of the goods exceeds \$30 and the seller or lender intends to look to the purchaser or hirer for any deficiency on a resale of the goods they shall not be resold until after notice in writing of the intended sale has been given to the purchaser or hirer or his successor in interest. R.S.O., 1897, c. 149, s. 9. *Amended*. Notice of re-selling.

(3) The notice shall be served personally upon or left at the residence or last known place of abode in Ontario of the purchaser or hirer or his successor in interest at least five days before the sale or may be sent by registered post at least seven days before the sale addressed to the purchaser or hirer or his successor in interest at his last known post office address. Service of notice.

(4) The notice may be given during the twenty days mentioned in subsection 1. R.S.O., 1897, c. 149, s. 8; 6 Edw. VII., c. 19, s. 25. Time for giving notice.

Application
of this
section.

(5) This section shall apply notwithstanding any agreement to the contrary. *New.*

Goods affixed
to realty
subject to
rights of
seller or
lender.

9. Where the goods have been affixed to realty they shall remain subject to the rights of the seller or lender as fully as they were before being so affixed, but the owner of such realty or any purchaser or any mortgagee or other encumbrancer thereof shall have the right as against the seller or lender or other person claiming through or under him to retain the goods upon payment of the amount owing on them. 5 Edw. VII., c. 13, s. 14.

(NOTE.—*As to agreements, provisoes, etc., providing for place of trial of any action, see 6 Edw. VII., c. 19, s. 22.*)

Repeal.

10. The following Acts and parts of Acts are repealed:—
Chapter 149 and Section 41 of Chapter 148 of the
Revised Statutes of Ontario, 1897.

Section 2 of Chapter 13 of the Acts passed in the third year, and Section 14 of Chapter 13 of the Acts passed in the fifth year, and Sections 23, 24 and 25 of Chapter 19 of the Acts passed in the sixth year of the reign of His late Majesty King Edward VII.

Commence-
ment of
Act.

11. This Act shall come into force on the 1st day of July, 1911.

CHAPTER 31.

An Act respecting Apprentices and Minors.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

MINORS:—

Appointment and authority of guardians, s. 3.

Abandonment by parents, etc., s. 4.

May bind themselves to service in certain cases, s. 5.

Apprenticing, ss. 6-8.

Wages, s. 9.

Transference of apprentice, ss. 10, 11.

Duties of master, s. 12.

of apprentice, s. 13.

When indenture may be altered or annulled on applica-

tion on behalf of apprentice, ss. 14-16.

Deserting employment, s. 17.

Proceedings on complaints against apprentice, ss. 18-19.

Harbouring absconding apprentices, s. 20.

When master may avoid indenture, s. 21.

Jurisdiction of General Sessions, s. 22.

Costs—Fines, ss. 23-24.

APPEALS, ss. 25, 26.

POWERS OF CHARITABLE SOCIETIES, s. 27.

REPEAL, s. 28.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Apprentices and Minors Act*. Short title.

INTERPRETATION.

Interpreta-
tion.**2.** In this Act,

(a) "County" shall include district.

County.

(b) "County Court" shall include District Court.

"County
Court."(c) "Master" shall include any person or number of persons, male or female, carrying on business singly or in partnership, and a body corporate.
R.S.O., 1897, c. 161, s. 1.

"Master."

GUARDIANS OF MINORS.

3.—(1) A parent, guardian, or other person having the care or charge of a minor, or a charitable society authorized

Power of
parents.
charitable
societies, etc..

by

to appoint
guardians
to minors.

by the Lieutenant-Governor in Council to exercise the powers conferred by this Act, and having the care or charge of a minor, with the consent of the minor if a male not under the age of fourteen years, or a female not under the age of twelve years, and without such consent if the minor is under such age, may, by instrument in writing, constitute to be the guardian of the minor, any respectable trustworthy person who is willing to assume, and by agreement assumes, the duty of a parent towards the minor; but the parent shall remain liable for the performance of any duty imposed on him by law if the guardian fails in the performance thereof. R.S.O., 1897, c. 161, s. 2.

Authority of
guardians.

(2) The guardian shall thereupon possess the same authority over the minor as he would have were the minor his own child, and shall be bound to perform the duties of a parent towards such minor. R.S.O., 1897, c. 161, s. 3.

RIGHTS AND LIABILITIES OF MINORS.

Parents and
guardians of
certain
minors not to
control their
custody ex-
cept on order.

4. No minor who has been abandoned by his parent or guardian, or who is dependent upon charity for support, shall be removed from any public or private charitable institution, or from the custody or control of any private person who is charitably taking care of him, by the father or mother or guardian of the minor against the will of the head of such public or private charitable institution, or of such private person, without an order for such removal of a Judge of the High Court or of the Judge of the County Court of the county or the Mayor or Police Magistrate of the city or town where the minor is; and the Judge or other person empowered to make the order for removal may refuse to make the same, unless he is satisfied that the removal will tend to the advantage and benefit of the minor. R.S.O., 1897, c. 161, s. 4.

Minors may
bind them-
selves to
labour in
certain cases.

5. Where a minor over the age of sixteen years, who has no parent or guardian, or who does not reside with him, enters into an engagement written or verbal to perform any service or work, he shall be liable upon, and shall have the benefit of the same, as if he had been of full age. R.S.O., 1897, c. 161, s. 5.

APPRENTICING MINORS.

Power of
parents,
charitable
societies,
etc., to bind
minors.

6. A parent, guardian or other person having the care or charge of a minor, or any charitable society authorized by the Lieutenant-Governor in Council to exercise the powers conferred by this Act, and having the care or charge of a minor who is a male and not under the age of fourteen years

years may with his consent bind him as an apprentice by agreement in writing to any respectable and trustworthy master-mechanic, farmer, or other person carrying on a trade or calling, for a term not to extend beyond the minority of the apprentice; or in the case of a female not under the age of twelve years, may, with her consent, bind her to any respectable and trustworthy person carrying on any trade or calling, or to domestic service with any respectable and trustworthy person for any term not to extend beyond the time when she attains the age of eighteen years. R.S.O. 1897, c. 161, s. 6.

7. Where the father of a minor abandons and leaves him with the mother, the mother, with the approbation of two Justices of the Peace of the county or city in which she resides may bind the child as an apprentice to any of the persons mentioned in the next preceding section, until the minor attains the age of twenty-one years in the case of a male and eighteen years in the case of a female; and an agreement in writing to that effect under the hand and seal of the mother and countersigned by such Justices shall be valid; but no minor who has attained the age of fourteen years shall be so apprenticed, unless he or she consents. R.S.O. 1897, c. 161, s. 7.

Power given to the mother when the father abandons his infant children.

8. In a city or town, the mayor, a Judge of the County Court or a Police Magistrate, and in a county a Judge of the County Court may bind for the like period to any of the persons referred to in section 6, with the consent of such person and of the minor, or if the minor is a male under the age of fourteen years or a female under the age of twelve years then without the consent of the minor, any minor who is an orphan or has been deserted by his parents or guardian, or whose parents or guardian have been committed to and are confined in a common gaol or house of correction, or any minor who is dependent upon public charity for support; and such apprentice and his master shall be held in the same manner as if the apprentice had been bound by his parent. R.S.O. 1897, c. 161, s. 8.

Certain minors may be apprenticed by Mayor, Judge, etc.

9. All wages agreed by an indenture or otherwise to be paid for the service of a minor, shall, if not payable to the parent, be either payable to the minor or to some person for his benefit. R.S.O. 1897, c. 161, s. 9.

Wages of minors.

10. If the master of an apprentice dies, the apprentice if a male, shall by operation of law, be transferred to the person, if any, who continues the establishment or business

If the master dies, apprentice to be transferred

to his successor in the business.

of the deceased master; and such person shall hold the apprenticeship upon the same terms as the master if alive, would have done. R.S.O. 1897, c. 161, s. 10.

Apprentices may be transferred.

11. A master may, with the consent of his apprentice, transfer him to any person who is competent to receive or take an apprentice and who carries on the same kind of business. R.S.O. 1897, c. 161, s. 11.

Duties of masters towards apprentices.

12. Every master shall provide his apprentice during the term of his apprenticeship with suitable board, lodging and clothing or such equivalent therefor as is mentioned in the agreement, and with medical attendance, and shall also properly teach and instruct him, or cause him to be taught and instructed in his trade or calling. R.S.O. 1897, c. 161, s. 12.

Duty of apprentices.

13. Every apprentice shall during the term of his apprenticeship faithfully serve his master, and obey all his lawful and reasonable commands, and shall not absent himself from his service, day or night, without his consent. R.S.O. 1897, c. 161, s. 13.

COMPLAINTS.

Alteration in mode of payment of wages upon application for the purpose.

14.—(1) A Judge of the County Court or a Police Magistrate having jurisdiction within the county or city in which the master resides upon complaint made by a minor bound under the provisions of this Act, or by any person on his behalf, or by the person to whom an apprentice is bound, may alter the mode in which payment of wages is to be made, by directing payment to the apprentice, or to some other person, in lieu of the manner provided in the agreement; or may upon proof of gross misconduct or neglect of duty annul the agreement of apprenticeship or of service, and may compel the person in whose possession, power, custody or control the agreement is, to produce and deliver the same in Court, in order to have it cancelled, or to have the order varying it endorsed thereon, as the case may require. R.S.O. 1897, c. 161, s. 14.

Indenture may be annulled for misconduct.

(2) The Judge or Police Magistrate may, after allowing a reasonable time for production and delivery of the agreement, issue a warrant for the imprisonment of the person in default, for any term not exceeding six months, unless it is sooner produced and delivered. R.S.O. 1897, c. 161, s. 15.

Committal for refusing to produce indenture.

Emancipation from authority of

15. A Judge of the County Court or a Police Magistrate having jurisdiction in the county or city in which the guardian

guardian resides upon complaint of any minor over whom a person has been appointed guardian under section 3, or of any person on behalf of the minor, and upon proof of gross misconduct or neglect of duty on the part of the guardian may emancipate the minor from his authority. R.S.O. 1897, c. 161, s. 16.

16. A Judge of the County Court in any case, and a Police Magistrate in case the apprenticing of a minor or the appointment of a guardian under this Act has not been by the parent of the minor, such Judge or Police Magistrate having jurisdiction in the county or city in which the master or guardian resides, may, on the application of either the parent or the minor, cancel the agreement of apprenticeship or service, if satisfied that the same was injudiciously or improperly entered into; or cancel the appointment of the guardian, and restore the minor to the parent, if satisfied that the parent is a fit and proper person to take charge of him; and when such cancellation of the guardianship is on the application of the parent, his authority shall revive. R.S.O. 1897, c. 161, s. 17.

17. Where an apprentice absents himself from his master's service or employment before the expiration of his apprenticeship, he may at any time, if found in Ontario, be compelled to serve his master for so long a time as he so absented himself, unless he makes satisfaction to his master for the loss sustained by his absence. R.S.O. 1897, c. 161, s. 18.

18.—(1) If the apprentice refuses to serve or to make satisfaction to his master, as provided by the next preceding section, or to obey the lawful commands of his master, or in any other way refuses or neglects to perform his duty to his master, and if the master, or his overseer or agent, complains on oath to a Justice of the Peace, either in the county, city or town where the master resides, or in any county, city or town where the apprentice is found, the Justice may cause the apprentice to be summoned to appear or to be apprehended and brought before him, or before some other Justice of the Peace; and the Justice, upon hearing the complaint, shall determine what satisfaction shall be made by the apprentice to the master.

(2) If the apprentice does not give or make such satisfaction immediately or where the satisfaction is of such a nature as not to admit of immediate performance if he does not give sufficient security to make such satisfaction, the Justice may commit the apprentice to the common gaol or house of correction of the county, city or town,

town, for any period not exceeding three months; and such imprisonment shall not release the apprentice from the obligation to make up the lost time to the master. R.S.O. 1897, c. 161, s. 19.

Limitation of proceedings against absconding apprentice.

19. Where the apprentice has not left Ontario, or having left Ontario, has returned thereto, the master shall not proceed against the apprentice under this Act after one year next from the expiration of the term for which the apprentice contracted to serve, or from his return, as the case may be. R.S.O. 1897, c. 161, s. 20.

Penalty for employing or harbouring absconding apprentices.

20. Any person who knowingly harbours or employs an absconding apprentice, shall pay to his master the full value of the apprentice's labour; and such value shall be what the master would have received from the labour and service of the apprentice if he had continued faithfully in his master's service; and the master may recover the same in any Court having jurisdiction where the apprentice has been employed, or where the master resides. R.S.O. 1897, c. 161, s. 21.

Indenture may be avoided if apprentice becomes insane, a convict, or absconds.

21. Where an apprentice becomes insane, or is convicted of an indictable offence, or is sentenced to the Central Prison, a Reformatory or the Penitentiary, or is sent to an Industrial school, or absconds, his master may within one month thereafter, but not afterwards, avoid the agreement of apprenticeship or service, from the time he gives notice in writing of his intention to do so to the other parties to the agreement, either by serving them with the notice, or by inserting it in the *Ontario Gazette*, or in a newspaper published in the county or city where the master resides. R.S.O. 1897, c. 161, s. 22.

Jurisdiction of General Sessions.

22. The Court of General Sessions of the Peace shall have concurrent primary jurisdiction over offences against this Act, and shall also have authority to make any order which under this Act may be made by a Judge of a County Court. R.S.O. 1897, c. 161, s. 23.

Costs.

23. The Court of General Sessions of the Peace, Judge, Police Magistrate or Justice, may, on any complaint or other proceeding under this Act, make such order as to payment of costs as may appear just. R.S.O. 1897, c. 161, s. 24.

Application of fines.

24. All fines imposed and collected under this Act shall be paid to the treasurer of the county or city in which the offence was committed. R.S.O. 1897, c. 161, s. 25.

APPEALS.

25. Either party may, except as to matters provided for in the next following section, appeal from any decision of a Justice or Police Magistrate, under this Act, as is provided by *The Ontario Summary Convictions Act* in the case of a summary conviction. R.S.O. 1897, c. 161, s. 26.

Appeal
from Justice
or Police
Magistrate.

10 Edw. VII.,
c. 37.

26.—(1) An appeal shall lie to a Judge of the High Court in Chambers from any order or decision of a Court of General Sessions of the Peace or of a Judge of the County Court or of a Police Magistrate, cancelling or varying or refusing to cancel or vary an agreement of apprenticeship or service, or cancelling or refusing to cancel the appointment of a guardian.

Appeal to
a Judge in
Chambers.

(2) The appeal shall be by notice of motion which shall be served upon the opposite party within ten days from the day upon which the order or decision was made, unless a Judge of the High Court or the Master in Chambers allows further time: and the motion shall be returnable upon the first Chamber day after the tenth day from the day of service of the notice.

Proceedings
on appeal.

(3) The Judge, or Master in Chambers, in granting further time may impose such terms as to further evidence, costs and otherwise as he sees fit. R.S.O. 1897, c. 161, s. 27.

(4) The Judge, upon consideration of the evidence taken upon the hearing, a certified copy whereof shall be produced before him, and such further evidence, if any, may make such order in the premises, and as to costs and otherwise, as he may deem just, and before adjudicating upon the appeal, he may, upon such terms as he may deem just, permit further evidence, either written or oral, to be adduced. R.S.O. 1897, c. 161, s. 28.

Order of
Judge.

Further
evidence.

POWERS OF CHARITABLE SOCIETIES.

27. The Lieutenant-Governor in Council may authorize any charitable society, incorporated or unincorporated, to exercise for a limited time or otherwise, the powers conferred by this Act, and may revoke or suspend any Order in Council made for that purpose. R.S.O. 1897, c. 161, s. 29.

Charitable
societies may
be author-
ized to exer-
cise powers
under this
Act.

28. Chapter 161 of the Revised Statutes, 1897, is repealed.

CHAPTER 32.

An Act respecting the Solemnization of Marriage.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.

MINISTERS OF ALL DENOMINATIONS
MAY SOLEMNIZE MARRIAGES,
s. 2.

MARRIAGE BY QUAKERS, s. 3.

MARRIAGES TO BE EITHER BY
LICENSE OR CERTIFICATE, OR
BY BANNS, AND WITHIN CER-
TAIN HOURS, ss. 4, 5.

PROTECTION OF MINISTERS, s. 6.

ISSUE OF LICENSES OR CERTIFI-
CATES, ss. 7-14.PERSONS WHOSE CONSENT REQUIR-
ED TO THE MARRIAGE OF A
MINOR, s. 15.CERTAIN MARRIAGES PROHIBITED,
s. 16.PENALTY FOR MARRYING IDIOT OR
INSANE PERSON, s. 17.AFFIDAVIT REQUIRED TO OBTAIN A
LICENSE OR CERTIFICATE, s.
18.CONSENT TO BE PRODUCED, s. 18.
PROHIBITED DEGREES, s. 19.LICENSE, ETC., NOT TO ISSUE IF
ISSUER KNOWS OR SUSPECTS
THAT AFFIDAVIT IS FALSE,
ETC., s. 20.RETURN TO PROVINCIAL SECRE-
TARY, s. 21.

FEES FOR LICENSES, s. 22.

MARRIAGE NEED NOT BE IN A
CHURCH, NOR INVALID BE-
CAUSE NOT WITHIN PARTICU-
LAR HOURS, s. 23.CERTIFICATE OF MARRIAGE TO BE
GIVEN BY MINISTER IF RE-
QUIRED, s. 24.REGISTRATION AND REGISTERS, ss.
25-27.COPIES OF ACT TO BE SUPPLIED,
s. 28.CERTAIN MARRIAGES DECLARED
VALID, ss. 29-33.POWER TO DECLARE CERTAIN
MARRIAGES INVALID, s. 34-35.

REPEAL, s. 36.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Marriage Act*. R.S.O.
1897, c. 162, s. 1.

WHO MAY SOLEMNIZE MARRIAGES.

Who may
solemnize
marriage in
Ontario. **2.** The following persons, being men and resident in
Canada, may solemnize marriage between persons not
under a legal disqualification to contract such marriage:

Ministers
and clergy-
men.

(a) The ministers and clergymen of every church and
religious denomination duly ordained or ap-
pointed according to the rites and ceremonies
of the church or denomination to which they
respectively belong;

(b)

- (b) Any elder, evangelist or missionary for the time being of any church or congregation of the religious people commonly called or known congregationally as "Congregations of God" or "congregations of Christ," and individually as "Disciples of Christ," who from time to time is chosen by any such congregation for the solemnization of marriages; Elders, etc., Congregations of God and Disciples of Christ.
- (c) Any duly appointed commissioner or staff officer of the religious society called the Salvation Army, chosen or commissioned by the society to solemnize marriages. R.S.O. 1897, c. 162, s. 2. Officers of Salvation Army.
- (d) Any elder for the time being of the church or congregation of religious people commonly called or known congregationally as "Farrington Independent Church," who, from time to time, is chosen by such church or congregation for the solemnization of marriages. 4 Edw. VII. c. 10, s. 39. Elders of Farrington Independent Church.
- (e) Any recognized evangelist, teacher or elder for the time being of any congregation of Christians commonly called or known as "Brethren," who may be appointed by any such congregation for the solemnization of marriages, and whose appointment has previously been filed in the office of the Provincial Secretary. 6 Edw. VII. c. 19, s. 27. Minister of the Brethren.

3. Every marriage duly solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid; and all the duties imposed by this Act, or by *The Vital Statistics Act*, upon a minister or clergyman, shall, with regard to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized; but nothing herein shall require the marriage to be celebrated or solemnized by such clerk or secretary. R.S.O. 1897, c. 162, s. 3. Marriages solemnized by Quakers.

8 Edw. VII. c. 28.

LICENSE, CERTIFICATE OR PROCLAMATION REQUIRED.

4.—(1) No minister, clergyman or other person shall solemnize any marriage, unless duly authorized so to do by license under the hand and seal of the Lieutenant-Governor or of his deputy, or by a certificate under this Act, unless Marriages not to be solemnized unless under license or certificate.

the

the intention of the persons to intermarry has been published as provided by subsection 2.

Or after
proclama-
tion of in-
tention.

(2) Such intention shall be proclaimed once openly, and in an audible voice, either in the church, chapel or meeting-house in which one of the persons has been in the habit of attending worship, or in some church, chapel, meeting-house or place of public worship of the congregation or religious body with which the minister or clergyman who performs the ceremony is connected, in the local municipality, parish, circuit or pastoral charge, where one of the persons has, for the space of fifteen days immediately preceding, had his or her usual place of abode; and where both the persons do not reside in the same local municipality, parish, circuit or pastoral charge, and the marriage is not authorized by license or certificate, a similar proclamation shall be made in the local municipality, parish, circuit or pastoral charge, being within Canada, where the other of the contracting parties has for the space of fifteen days immediately preceding had his or her usual place of abode; and where the proclamation last mentioned is required such marriage shall not be solemnized until there is delivered to the person proposing to solemnize it a certificate, Form 1, showing that such proclamation has been made.

Made on
Sunday.

(3) Every such proclamation shall be made on a Sunday, immediately before the service begins or immediately after it ends, or at some intermediate part of the service.

Certificate of
proclama-
tion of in-
tention.

(4) The certificate of proclamation shall be signed by the clergyman, minister, clerk, secretary or other person who actually proclaimed the same, and shall show the official position of the person who signs it. R.S.O. 1897, c. 162, s. 4.

Proclama-
tion or
license to
lapse unless
marriage
takes place
within three
months.

5.—(1) No marriage shall be solemnized under the authority of any proclamation of intention to intermarry, unless such proclamation has been made at least one week previously, nor unless the marriage takes place within three months after the Sunday upon which the proclamation was made; nor shall a marriage be solemnized under the authority of any license or certificate unless within three months after the date thereof.

Hours dur-
ing which
marriages
not to take
place.

(2) No clergyman, minister or other person shall solemnize a marriage between the hours of 10 o'clock after noon and 6 o'clock before noon unless he is satisfied from evidence adduced to him that the proposed marriage is legal and

that

that exceptional circumstances exist which render its solemnization between those hours advisable.

(3) No clergyman, minister or other person shall solemnize a marriage without the presence of at least two adult witnesses, and two or more of such witnesses shall affix their names as witnesses to the record in the register prescribed by section 24. Witnesses required.

(4) No clergyman, minister or other person who is an issuer of marriage licenses shall solemnize the marriage in any case in which he has issued the license or the certificate provided for by section 7 authorizing such marriage but this subsection shall not apply to any of the Provisional Judicial Districts except Muskoka. R.S.O. 1897, c. 162, s. 5 (1-4). Issuer of marriage licenses not to marry the parties.

(5) The certificate or license to marry or the certificate of proclamation, when such certificate is required, shall be left with the clergyman, minister or other person who solemnizes the marriage, and he shall forthwith after such solemnization endorse upon the certificate or license the date of the marriage and the names and descriptions of the witnesses, and thereupon forward such certificate or license to the Registrar-General. R.S.O. 1897, c. 162, s. 5 (5); 5 Edw. VII. c. 13, s. 15 (1). License and certificates to be delivered to person solemnizing marriage.

6. No clergyman, minister or other person who solemnizes a marriage ceremony after banns have been published or a license or certificate has been issued under this Act in respect thereto, shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage, unless at the time when he performed the ceremony he was aware of the impediment. R.S.O. 1897, c. 162, s. 6. Protection of clergymen solemnizing marriages in good faith.

7. A certificate, Form 2, according to the circumstances of the case, may, at the option of the applicant, be substituted and shall have the same legal effect as a license. R.S.O. 1897, c. 162, s. 7. Certificate in lieu of marriage license.

Issue of Licenses and Certificates.

8. Licenses and certificates shall be issued from the office of the Provincial Secretary, and shall be furnished to persons requiring the same by such persons as the Lieutenant-Governor in Council may appoint for that purpose. R.S.O. 1897, c. 162, s. 8. Licenses and certificates, how issued.

9. Every license under the hand and seal of the Lieutenant-Governor or his deputy and every certificate signed Validity of licenses and certificates.

by

by the Provincial Secretary, or Assistant Provincial Secretary, for the purpose of the solemnization of a marriage, shall be and remain valid, notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary, or the Assistant Provincial Secretary has ceased to hold office before the time of the issue of the license or certificate. R.S.O. 1897, c. 162, s. 19.

Unauthorized issue of licenses or certificates.

Penalty.

10 Edw. VII. c. 37.

10. If any person issues any license or certificate for the solemnization of marriage without the authority of the Lieutenant-Governor in Council unless under the authority of section 11, he shall incur a penalty of \$100 for every license or certificate so issued recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c 162, s. 10.

Appointment of Deputy Issuers.

Appointment of deputy-issuers of marriage licenses with approval of Mayor or Reeve.

11.—(1) An issuer of marriage licenses or certificates may with the approval, in writing, of the Mayor or Reeve of the local municipality wherein he resides, when prevented from acting by illness or accident, or where his temporary absence is contemplated, appoint by writing under his hand a deputy to act for him.

Powers of deputy-issuers.

(2) The deputy while so acting shall possess the powers and privileges, as to administering necessary oaths and otherwise, of the issuer appointing him.

Notice of appointment of deputy.

(3) The issuer shall, upon appointing a deputy, forthwith transmit to the Provincial Secretary a notice of the appointment, and of the cause thereof, and of the name and official position of the person by whom the appointment has been approved, and the Lieutenant-Governor may at any time annul the appointment.

Appointment of deputy where no Mayor or Reeve.

(4) Where there is no Mayor or Reeve to give the approval required by subsection 1, the issuer may without such consent, appoint such deputy, and the licenses or certificates issued by such deputy shall be deemed to authorize the solemnization of marriages at the same places as licenses or certificates issued by the issuer, and no irregularity in the appointment of a deputy shall affect the validity of a license or certificate issued by him. R.S.O. 1897, c. 162, s. 11.

How licenses to be signed by deputy.

(5) The deputy shall sign each license and certificate issued by him with the name of the issuer as well as his own name in the following manner:—"A. B.—*Issuer of Marriage Licenses, per C.D., Deputy-Issuer.*" R.S.O. 1897, c. 162, s. 12, *part*.

Effect

Effect of Irregular Issue of License or Certificate.

12. No irregularity in the issue of a license or certificate where it has been obtained or acted on in good faith shall invalidate a marriage solemnized in pursuance thereof. R.S.O. 1897, c. 162, s. 12, *part*.

Irregularity in issue not to affect.

Unissued Licenses or Certificates.

13. Every issuer of licenses or certificates and every other person having unissued licenses or certificates in his possession, power, custody, or control, shall, whenever required so to do, transmit the same to the Provincial Secretary; and the property in all unissued licenses and certificates shall be and remain in His Majesty. R.S.O. 1897, c. 162, s. 13.

Unissued licenses to be returned to Provincial Secretary.

Expenses of Procuring Licenses.

14. All expenses incident to providing licenses and certificates shall be paid by the issuer thereof. R.S.O. 1897, c. 162, s. 14.

Expenses incident to procuring licenses.

MARRIAGE OF PARTY UNDER 18 YEARS.

15.—(1) Where either of the parties to an intended marriage not a widower or a widow is under the age of eighteen years, the consent of the father, if living, or, if he be dead, of the mother, if living, or of a guardian, if any has been duly appointed, shall be required before the license is issued, or before the proclamation of the intention of the parties to intermarry is made.

Consent required to marriage where one of the parties is under eighteen.

(2) Where such consent is necessary, no license or certificate shall be issued without the production of the consent, and the issuer or deputy-issuer shall satisfy himself of the genuineness of the consent by satisfactory proof in addition to the affidavit required of one of the parties.

Consent to be produced before license issues.

(3) In the case of a party under the age of eighteen years and not being a widower or a widow, if the father and mother are dead and there is no guardian duly appointed, the issuer or deputy-issuer, on being satisfied as to the facts, may grant the license or certificate.

Where parents are dead and there is no guardian.

(4) Where the parent whose consent is required, though living, is not a resident of Ontario, and is not in Ontario at the time of the application for a license or certificate, and the party under the age of eighteen years is and has been so resident for the next preceding twelve months, the issuer or deputy-issuer, on being satisfied by evidence of these facts,

If parents not resident in the Province.

may grant the license or certificate. R.S.O. 1897, c. 162, s. 15.

No license to be issued or marriage to be celebrated where either party under fourteen.

16. No license or certificate shall be issued to any person under the age of fourteen years, except where a marriage is shown to be necessary to prevent the illegitimacy of offspring, and a certificate to that effect is given by a legally qualified medical practitioner known to the issuer or deputy-issuer, and except in such a case no person shall celebrate the marriage ceremony in any case in which either of the contracting parties is under the age of fourteen years, to the knowledge or information of such person. R.S.O. 1897, c. 162, s. 16. *Part.*

PENALTY FOR MARRYING IDIOT OR INSANE PERSON.

Insane or Idiot not to be married

17. If any minister, clergyman or other person solemnizes a marriage knowing or having reason to believe that either of the parties to it is an idiot or insane, he shall incur a penalty of \$500, and shall also, in the discretion of the Court, be liable to imprisonment for any period not exceeding twelve months. R.S.O. 1897, c. 162, s. 16, *amended.*

AFFIDAVIT FOR ISSUE OF LICENSE OR CERTIFICATE.

Affidavit to be made by one of the parties before license granted.

18.—(1) Before a license or certificate is issued, one of the parties to the intended marriage shall personally make an affidavit, Form 3, before the issuer or deputy-issuer which shall state:

- (a) In what county or district it is intended that the marriage shall be solemnized, and in what city, town, village, or place therein; and
- (b) That he or she believes there is no affinity, consanguinity, prior marriage, or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage;
- (c) That one of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate had his or her usual place of abode within the county or district in which, for either municipal or judicial purposes, the local municipality or place in which the marriage is to be solemnized lies;

Or, if the county or district in which it is intended that the marriage shall be solemnized is not that in which either of the parties has for the space of

fifteen

fifteen days immediately preceding the issue of the license or certificate, had his or her usual place of abode, that the reason for having the marriage solemnized in such place is not to evade due publicity or for any other improper purpose;

(d) The age of the deponent, and that the other contracting party is of the full age of eighteen years, or the age of such other contracting party, if under the age of eighteen years, as the case may be;

(e) The condition in life of each of the parties, whether bachelor, widower, spinster or widow, and

(f) The facts necessary to enable the issuer or deputy-Facts showing whether consent is necessary. issuer to judge whether or not the required consent has been duly given in the case of any party under the age of eighteen years, or whether or not such consent is necessary. R.S.O. 1897, c. 162, s. 17.

(2) Where a party who is not a widower or a widow is under the age of eighteen years, the written consent of the person whose consent to the marriage is required shall be produced and annexed to the affidavit, and its execution shall be verified by affidavit which shall be made before the issuer or deputy-issuer. Written consent to be produced and annexed to affidavit. R.S.O. 1897, c. 162, s. 18.

19.—(1) Upon the back or at the foot of the printed forms of affidavits to be made by the parties shall be printed a memorandum, Form 5, showing the degrees of affinity and consanguinity which bar or hinder the solemnization of marriage between them; and no affidavit shall be acted upon by the issuer or deputy-issuer which has not such memorandum printed thereon; and upon the back or at the foot of the certificates or licenses issued shall be printed such extracts from this Act as are necessary to show what persons are authorized to solemnize marriage in Ontario, or an epitome of the provisions in reference thereto. Prohibited degrees to be set forth in form of affidavit.

(2) The issuer or deputy-issuer, before administering the oath, shall see that the applicant is aware what degrees of affinity or consanguinity are a bar to the solemnization of marriage. Duty of issuer of licenses. R.S.O. 1897, c. 162, s. 19.

(3) The degrees of affinity and consanguinity within which if persons are related they are prohibited from contracting marriage with each other, as declared in and by the Degrees of affinity and consanguinity.

28 Hy. VIII
c. 7, s. 7;
Rev. Stat.
Can. c. 105.

Statute passed in the 28th year of His Majesty King Henry VIII., chapter 7, section 7, as modified by the Revised Statutes of Canada, 1906, chapter 105, are set forth in Schedule A.

Changes in
degrees pro
vided for.

(4) If at any time hereafter changes are made in the law affecting the degrees of relationship within which marriage may not be lawfully contracted, the Lieutenant-Governor in Council may direct such changes to be made in Form 5, so as to make it conformable to the law for the time being. 2 Edw. VII. c. 23, s. 1.

LICENSE NOT TO BE ISSUED IN CERTAIN CASES.

When issuer
has personal
knowledge
that proper
consent not
obtained.

20.—(1) Where the person having authority to issue the license or certificate has personal knowledge that the facts are not as required by section 15, he shall not issue the license or certificate; and if he has reason to believe or suspect that the facts are not as so required, he shall, before issuing the license or certificate, require further evidence to his satisfaction in addition to the affidavit prescribed by section 17.

Evidence
on which
license
issues to be
kept.

(2) The issuer or deputy-issuer shall keep on record the affidavits or depositions proving the facts of which he is required to be satisfied before issuing a license or certificate.

Particulars
to be sent to
Registrar-
General.

(3) Every issuer or deputy-issuer of marriage licenses shall immediately upon issuing a marriage license or certificate, fill up on a form endorsed upon the affidavit prescribed by section 17 the particulars contained in Form 5, or such of them as he is then able to give, and shall forward the same forthwith to the Registrar-General. R.S.O. 1897, c. 162, s. 20, *part*. *Amended*.

Certificate
to be given
on issuer
applying
for licenses.

21. Every issuer of marriage licenses shall, on making application to the Provincial Secretary for a new supply of licenses, certify that a complete return of every license issued by him or his deputy has been forwarded to the Registrar-General. R.S.O. 1897, c. 162, s. 20, *part*; 5 Edw. VII. c. 13, s. 15 (2).

FEEs FOR LICENSE.

Fees for
licenses or
certificates.

22. No fee shall be payable for a license or certificate, except the sum of \$2, which the issuer of the license or certificate shall be entitled to retain for his own use; but the Lieutenant-Governor in Council may from time to time reduce the sum so payable. R.S.O. 1897, c. 162, s. 21.

MARRIAGE OUT OF CHURCH VALID.

23. It shall not be a valid objection to the legality of a marriage that the same was not solemnized in a consecrated church or chapel, or within any particular hours. R.S.O. 1897, c. 162, s. 22.

MARRIAGE CERTIFICATES.

24. Every clergyman, minister or other person who solemnizes a marriage, and the clerk or secretary of a society of Quakers, or of the meeting at which the marriage is solemnized, shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage under his hand, specifying the names of the persons married, the time of the marriage, and the names of two or more persons who witnessed it, and specifying also whether the marriage was solemnized pursuant to license or certificate under this Act, or after proclamation of intention to intermarry; and the clergyman, minister, clerk or secretary may demand twenty-five cents for a certificate given by him from the person requiring it. R.S.O. 1897, c. 162, s. 23.

REGISTRATION OF MARRIAGES.

25. Every clergyman, minister, or other person authorized to solemnize marriage shall, immediately after he has solemnized a marriage, enter in a register, to be kept by him for the purpose, unless a similar register is kept in the church at which he officiates, in which case the entries shall be made in that book, the particulars mentioned in Form 4, and shall authenticate the same by his signature. R.S.O. 1897, c. 162, s. 24.

26.—(1) Every clergyman, minister or other person authorized to solemnize marriage, where a marriage register is not already possessed by any church or congregation over which he is placed or has charge, shall make application for a register to the clerk of the local municipality within which the church or congregation is situate, and the clerk shall thereupon supply such register at the cost of the municipality.

(2) One additional register may be supplied at the cost of the municipality to any clergyman, minister or other person authorized to solemnize marriage, and a register shall also, on application, be supplied at the like cost to any clergyman or minister in the municipality who is not in charge of a church or congregation.

In unorganized townships.

(3) Every clergyman or minister in charge of a church or congregation in an unorganized township shall, upon a written application to be made by him to the Registrar-General, receive a register, to be supplied by the Registrar-General. R.S.O. 1897, c. 162, s. 25, *amended*.

(As to returns to be made see The Vital Statistics Act, 8 Edw. VII. c. 28 s. 21)

Property in registers.

27. The register, by whomsoever furnished, shall be the property of the denomination or body to which the clergyman, minister or other person to whom it is delivered belongs at the time of the delivery thereof, and where he is in charge of a particular congregation of such denomination, it shall belong to the trustees or other body in which the property of the church or meeting house used by such congregation for its ordinary services is vested. R.S.O. 1897, c. 162, s. 26.

COPIES OF ACT TO BE SUPPLIED ON REQUEST.

Printed copies of this Act to be furnished.

28. Printed copies of this Act shall be furnished in pamphlet form by the Clerks of the Peace, by mail if desired, post paid, to any person applying therefor, upon payment of ten cents for each copy, and the Clerks of the Peace may obtain from the King's Printer as many copies as they may require at the rate of fifty cents per dozen. R.S.O. 1897, c. 162, s. 27.

CERTAIN MARRIAGES VALIDATED.

Marriages heretofore solemnized by persons not resident in Ontario validated.

29. Any marriages which, before the 1st day of April, 1889, had been solemnized in this Province by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches to which they belong, or by commissioners or staff officers of the Salvation Army, between persons not under any legal disqualification for entering into the contract of matrimony are hereby declared to have been and to be lawful and valid marriages, so far as respects the civil rights in this Province of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the person who solemnized any such marriage was not at the time a resident of this Province;

Proviso.

Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage had not, before the said date, been questioned in any suit or action; and

Provided,

Provided, further, that nothing in this section shall make ^{Proviso.} valid any such marriage in case either of the parties thereto has since contracted matrimony according to law; and in such a case the validity of the marriage by a non-resident shall be determined as if this section had not been passed. R.S.O. 1897, c. 162, s. 28; 62 V. (2) c. 11, s. 17.

30. Any marriages which before the 4th day of May, ^{Certain marriages solemnized in Society of Friends before 4th May. 1891.} 1891, had been solemnized in this Province according to the rites, usages and customs of the religious society called the Society of Friends, commonly called Quakers, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid marriages so far as respects the civil rights in this Province, of the parties, or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature.

Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage had not been questioned in any suit or action before the tenth day of February, 1891; and ^{Proviso.}

Provided, further, that nothing in this section shall make ^{Proviso.} valid any such marriage in case either of the parties thereto had since such marriage, and before the 4th day of May, 1891, contracted matrimony according to law; and in such case the validity of the marriage shall be determined as if this section had not been passed. R.S.O. 1897, c. 162, s. 29.

31. Every marriage solemnized in this Province before the 26th day of April, 1904, according to the rites, usages and customs of the "Farrington Independent Church," by an elder thereof, is hereby declared to have been and to be lawful and valid, so far as respects the civil rights in this Province of the parties and their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature; ^{Marriages heretofore solemnized by elders of the Farrington Independent Church validated.}

Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage had not theretofore been questioned in any suit or action; and

Provided, further, that nothing in this section shall make valid any such marriage in case either of the parties thereto had since such marriage and before that date contracted matrimony according to law, and in such case the validity of the marriage shall be determined as if this section had not been passed. 4 Edw. VII. c. 10, s. 40.

32. Any marriages which, prior to the 1st of January, ^{Certain marriages according to} 1890, were solemnized according to the law of the Province ^{of}

Manitoba
law con-
firmed.

of Manitoba in that portion of the Province of Ontario lying west of the meridian of the confluence of the Ohio and Mississippi Rivers, between persons not under a legal disqualification to contract such marriage, are hereby declared to have been and to be lawful and valid marriages so far as respects the civil rights in this Province of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature.

Proviso.

Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage had not theretofore been questioned in any suit or action; and

Proviso.

Provided, further, that nothing in this section shall make valid any such marriage in case either of the parties thereto had since such marriage contracted matrimony according to law and in such case the validity of the marriage shall be determined as if this section had not been enacted.

Exception
as to J. G.
Bennett.

Provided, further, that nothing in this section shall validate any marriage or alleged marriage which may have been contracted by one James Gordon Bennett, who died in the City of Winnipeg, in the Province of Manitoba, in the year 1904. 8 Edw. VII. c. 33, s. 40.

Certain mar-
riages to be
deemed valid
after three
years or on
death of one
of the
parties.

33. Every marriage heretofore or hereafter solemnized between persons not under a legal disqualification to contract such marriage shall, after three years from the time of the solemnization thereof, or upon the death of either of the parties before the expiry of such time, be deemed a valid marriage so far as respects the civil rights in this Province of the parties or their issue, and in respect of all matters within the jurisdiction of the Legislature of Ontario, notwithstanding that the clergyman, minister or other person who solemnized the marriage was not duly authorized to solemnize marriage, and notwithstanding any irregularity or insufficiency in the proclamation of intention to intermarry or in the issue of the license or certificate, or notwithstanding the entire absence of both.

Proviso.

Provided that the parties, after such solemnization, lived together and cohabited as man and wife, and that the validity of the marriage was not before such death or before the expiry of such three years questioned in any suit or action; and

Proviso.

Provided, further, that nothing in this section shall make valid any such marriage in case either of the parties thereto has before the death of the other and before the expiration of such three years contracted matrimony according to law, and in such case the validity of the marriage shall be determined as if this section had not been passed. R.S.O. 1897, c. 162, s. 30.

HIGH COURT MAY DECLARE CERTAIN MARRIAGES INVALID.

34.—(1) Where a form of marriage has been or is gone through between persons either of whom is under the age of 18 years without the consent required by section 15, in the case of a license, or where, without a similar consent in fact, such form of marriage has been or is gone through between such persons after a proclamation of their intention to intermarry, the High Court, notwithstanding that a license or certificate was granted or that such proclamation was made and that the ceremony was performed by a person authorized by law to solemnize marriage shall have jurisdiction and power in an action brought by either party who was at the time of the ceremony under the age of 18 years, to declare and adjudge that a valid marriage was not effected or entered into.

Provided that such persons have not after the ceremony cohabited and lived together as man and wife, and that the action is brought before the person bringing it has attained the age of 19 years.

(2) Nothing in this section shall affect the excepted cases mentioned in section 16 or apply where after the ceremony there has occurred that which if a valid marriage had taken place would have been a consummation thereof.

(3) The High Court shall not be bound to grant relief in the cases provided for by this section where carnal intercourse has taken place between the parties before the ceremony. *7 Edw. VII., c. 23, s. 8.*

35.—(1) No declaration or adjudication that a valid marriage was not effected or entered into shall in any case be made or pronounced upon consent of parties, admissions, or in default of appearance or of pleading or otherwise than after a trial.

(2) At every such trial the evidence shall be taken *viva voce* in open court, but nothing in this subsection shall prevent the use of the depositions of witnesses residing out of Ontario or of witnesses examined *de bene esse*, where, according to the practice of the Court, such depositions may be read in evidence.

(3) The Court may, of its own motion, require both or either of the parties to be examined before the Court touching the matters in question in the action.

(4) No trial shall be had until after ten days' notice to the Attorney-General for Ontario.

(5)

Who may
intervene at
trial.

(5) The Attorney-General may intervene at the trial or at any stage of the proceedings and may adduce evidence, examine and cross-examine witnesses in like manner as a party defendant, and shall have the same right of appeal from any such declaration or adjudication as a party defendant has. 9 Edw. VII., c. 62.

REPEAL.

Repeal.

36. The following Acts and parts of Acts are repealed: Chapter 162 of the Revised Statutes of 1897; section 17 of Chapter 11 of the Acts passed in the 2nd Session of the 62nd year of the reign of Her late Majesty Queen Victoria; Chapter 23 of the Acts passed in the 2nd year, sections 39 and 40 of Chapter 10 of the Acts passed in the 4th year, section 15 of Chapter 13 of the Acts passed in the 5th year, section 27 of Chapter 19 of the Acts passed in the 6th year, section 8 of Chapter 23 of the Acts passed in the 7th year, section 40 of Chapter 33 of the Acts passed in the 8th year, and Chapter 62 of the Acts passed in the 9th year of the reign of His late Majesty King Edward VII.

Commence-
ment of
Act.

37. This Act shall come into force on the 1st day of September, 1911.

FORM 1.

CERTIFICATE OF PROCLAMATION OF INTENTION TO INTERMARRY.

I hereby certify that on Sunday, the _____ day of _____, 19____, the intention of A.B., of _____ (state residence) and C.D., of _____ (state residence) to intermarry was duly proclaimed by me in _____ Church, being the church in the _____ (state name of township or other local municipality or parish, circuit or pastoral charge). I further certify that I verily believe the said A.B. (or C.D.) had his (or her) usual place of abode in the said _____ (township or other local municipality or parish, circuit or pastoral charge) for the space of fifteen days immediately preceding the said Sunday.

Dated this _____ day of _____, 19____.

Minister of _____ Church.

R.S.O. 1897, c. 162, Sched. A.

FORM 2.

CERTIFICATE BEFORE MARRIAGE WITHOUT PROCLAMATION.

These are to certify that A.B., of _____ and C.D., of _____ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said A.B. (or C.D.) has made oath, as required by law.

1. That he (or she) believes that there is no affinity, consanguinity, prior marriage, or any other lawful cause or legal impediment, to bar or hinder the solemnization of the said marriage,

2. That said A.B. (or C.D. or both, as the case may be), has, (or have) had his (or her, or their) usual place of abode, for the space of fifteen days last past, within the city, (county or district) of _____, namely, in the township (town or village) of _____ in the said county (or district) of _____ (or where neither of the parties has resided in the county or district for such fifteen days. That the reason for procuring the marriage to be solemnized in _____ is not in order to evade due publicity or for any other improper purpose).

3. That the said A.B. and C.D. are of the full age of eighteen years.

[Or that A.B. or C.D. is a widower or widow; or is under the age of eighteen years, and that the consent of E.D., whose consent to said marriage is required by law, has been obtained; or that the father of the said (party under age) is dead, and no guardian of the person of the said (party) has been appointed, and the mother of the said (party) is dead and there is no person having authority to give consent to said marriage (as the case may be).]

These are therefore to certify that the requirements of *The Marriage Act* have been complied with and such marriage may be solemnized in the County of _____ (naming the county or district within which it is intended that the marriage shall be solemnized).

Given under my hand and seal at _____ this _____ day of _____ 19 .
G.H.,

Issuer (or Deputy issuer) of Licenses.

Issued from the Office of the Provincial Secretary for the Province of Ontario this _____ day of _____ 19 .

K.L.

Provincial Secretary

R.S.O. 1897, c. 162, Sched. B.

FORM 3.

AFFIDAVIT.

I, A.B., of _____, in the county (or district) of _____ (addition) make oath and say as follows:—

1. I and C.D. of _____ in the county (or district) of _____ (addition) are desirous of entering into the contract of marriage, and of having our marriage duly solemnized at the town (or village, etc.) of _____ in the county (or district) of _____

2. According to the best of my knowledge and belief, there is no affinity, consanguinity, prior marriage or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

3. I (or the said *C.D.* or both, as the case may be) have (or has) had since the day of 19 my (or his or her or our) usual place of abode within the municipality of in the said county (or district. Or if neither of the parties has, for the space of fifteen days immediately preceding the issue of the license or certificate, had his or her usual place of abode in the county or district in which it is intended that the marriage shall be solemnized, add as follows:—The reason for procuring the marriage to be solemnized in is not in order to evade due publicity or for any other improper purpose).

4. I am of the age of years, and the said *C.D.* is of the full age of 18 years (or the said *C.D.* is of the age of years or over).

5. I am a bachelor (or widower), and the said *C.D.* is a spinster (or widow).

6. (If either party is under 18 and not a widower or widow, add): *E.D.*, of , in the county of is the person whose consent to the said marriage is required by law, and the said *E.D.* consents to the said marriage. The paper writing hereto annexed marked "A" is the consent of the said *E.D.* to the said marriage, and the signature thereto is of the proper handwriting of *E.D.*

7. The said *E.D.* is the father of the said *C.D.* [(or the said *E.D.* is the mother [or guardian duly appointed] of the said *C.D.* and the father of the said *C.D.* is dead) (or the father and mother of the said *C.D.* are both dead and no guardian of the said *C.D.* has been appointed)].

A.B.

Sworn before me, etc.,

G.H.,

Issuer of Licenses.

[NOTE: The form will be varied as the circumstances of the case may require].

R.S.O. 1897, c. 162, Sched. D.

FORM 4.
REGISTER OF MARRIAGES.

	BRIDEGROOM.
His name.	
Age.	
Residence when married.	
Place of birth.	
Bachelor or Widower. (B. or W.)	
Occupation.	
Religious Denomination of Bridegroom.	
Names of Parents.	

	BRIDE.
Her name.	
Age.	
Residence when married.	
Place of birth.	
Spinster or Widow. (S. or W.)	
Religious Denomination of Bride.	
Names of Parents.	

Whether Married by License or Banns (L. or B.)

SIGNATURES

of Bridegroom

of Bride

of Witnesses,

Residence

Residence

I certify the above named parties were married by me at
in the County of , this day of
19 .

Minister of, etc.
R.S.O. 1897, c. 162, Sched. E.

FORM

FORM 5.

Degrees of affinity and consanguinity which under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his	A woman may not marry her
1. Grandmother.	1. Grandfather.
2. Grandfather's wife.	2. Grandmother's husband.
3. Wife's grandmother.	3. Husband's grandfather.
4. Aunt.	4. Uncle.
5. Uncle's wife.	5. Aunt's husband.*
6. Wife's aunt.	6. Husband's uncle.
7. Mother.	7. Father.
8. Step mother.	8. Step father.
9. Wife's mother.	9. Husband's father.
10. Daughter.	10. Son.
11. Wife's daughter.	11. Husband's son.
12. Son's wife.	12. Daughter's husband.
13. Sister.	13. Brother.
14. Granddaughter.	14. Grandson.
15. Grandson's wife.	15. Granddaughter's husband.
16. Wife's granddaughter.	16. Husband's grandson.
17. Niece.	17. Nephew.
18. Nephew's wife.	18. Niece's husband.
19. Wife's niece.*	19. Husband's nephew.
20. Brother's wife.	20. Husband's brother.

The relationships set forth in this table include all such relationships whether by the whole or half blood, and whether legitimate or illegitimate.

*By The Revised Statutes of Canada, 1906, c. 105, it is enacted that "All laws prohibiting marriage between a man and the daughter of his deceased wife's sister where no law relating to consanguinity is violated, are hereby repealed both as to past and future marriages."

SCHEDULE A.

And furthermore since many inconveniences have fallen as well within this Realm as others by reason of marrying within the degrees of marriages prohibited by God's law, that is to say: The son to marry the mother or the step mother carnally known by his father; the brother the sister, the father his son's daughter, or his daughter's daughter, nor shall the son marry the daughter of his father procreate and born by his step mother, nor shall the son marry his aunt, being his father's or mother's sister, nor marry his uncle's wife, carnally known by his uncle, nor shall the father marry his son's wife, carnally known by his son, nor the brother marry his brother's wife carnally known by his brother; nor shall any man married and carnally knowing his wife marry his wife's daughter nor his wife's son's daughter, nor his wife's daughter's daughter . . . And further if it chance any man shall know carnally any woman that then all and singular persons being in any degree of consanguinity or affinity (as is above mentioned) to any of the parties so carnally offending, shall be deemed and adjudged to be within the cases and limits of the said prohibitions of marriage.

2 Edw. VII. c. 23, s. 2, Sched. G.

CHAPTER 33.

An Act respecting Compensation for Fatal Accidents.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Fatal Accidents Act.* Short title.

2. In this Act, Interpretation.

(a) "Child" shall include son, daughter, grandson, granddaughter, stepson, stepdaughter, adopted child, and a person to whom the deceased stood *in loco parentis*; "Child."

(b) "Parent" shall include father, mother, grandfather, grandmother, stepfather, stepmother, a person who adopted a child, and a person who stood *in loco parentis* to the deceased. R.S.O., 1897, c. 166, s. 1. *Amended.* "Parent."

3. Where the death of a person has been caused by such wrongful act, neglect or default, as if death had not ensued would have entitled the person injured to maintain an action and recover damages in respect thereof, the person who would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death was caused under circumstances amounting in law to culpable homicide. R.S.O., 1897, c. 166, s. 2. Recovery of damages where death caused by wrongful act, neglect or default

4.—(1) Every such action shall be for the benefit of the wife, husband, parent and child of the person whose death was so caused, and except as hereinafter provided shall be brought by and in the name of the executor or administrator of the deceased, and in every such action such damages may be awarded as are proportioned to the injury resulting from such death to the persons respectively for whom and for whose For whose benefit and in whose name action to be brought.

benefit

Damages. benefit such action is brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the beforementioned persons in such shares as may be determined at the trial. R.S.O., 1897, c. 166, s. 3.

Assessment of damages, insurance premiums. (2) In assessing the damages in any action, whether commenced before or after the passing of this Act, there shall not be taken into account any sum paid or payable on the death of the deceased or any future premiums payable under any contract of assurance or insurance made before or after the passing of this Act. *New.* 8 Edw. VII., c. 7 (Imp.); 13 A.C. (1888), 800, *Grand Trunk v. Jennings*; 4 B. & S. 403, *Hicks v. G. W. Ry., L.R., 10 Exch. 1.*

Money paid into court may be paid in one sum without regard to its division into shares. 5. The defendant may pay into court one sum of money as compensation for his wrongful act, neglect or default, to all persons entitled to such compensation, without specifying the shares into which it is to be divided. R.S.O., 1897, c. 166, s. 4.

One action only to lie for the same cause. 6. Not more than one action shall lie for and in respect of the same subject matter of complaint; and every such action shall be commenced within twelve months after the death of the deceased and not afterwards. R.S.O., 1897, c. 166, s. 6.

Plaintiff to deliver particulars. 7.—(1) The plaintiff shall in his statement of claim set forth or deliver therewith full particulars of the persons for whom and on whose behalf the action is brought. R.S.O., 1897, c. 166, s. 7.

Proof as to persons entitled. (2) There shall be filed with the statement of claim an affidavit by the plaintiff in which he shall state that to the best of his knowledge, information and belief the persons on whose behalf the action is brought as set forth in the statement of claim or the particulars delivered are the only persons entitled or who claim to be entitled to the benefit thereof. *New.*

Dispensing with proof. (3) The Court in which the action is brought or a judge thereof, if of opinion that there is a sufficient reason for doing so, may dispense with the filing of the affidavit. *New.*

When action may be brought by persons beneficially interested. 8.—(1) If there is no executor or administrator of the deceased, or there being such executor or administrator, no such action is within six months after the death of the deceased brought by such executor or administrator, such action may be brought by all or any of the persons for whose benefit the action would have been, if it had been brought by such executor or administrator.

(2) Every action so brought, shall be for the benefit of the same persons, and shall be subject to the same regulations and procedure, as nearly as may be, as if it were brought by such executor or administrator. R.S.O., 1897, c. 166, s. 8. Regulations and procedure in such case.

9. Where the compensation has not been otherwise apportioned a Judge in Chambers may apportion the same among the persons entitled, and may provide for the costs of the application as he may deem just. R.S.O., 1897, c. 166, s. 9. Apportionment.

10. Where actions are brought by or for the benefit of two or more persons claiming to be entitled as wife, husband, parent or child of the deceased, the court in which the actions or either of them are pending may make such order as it may deem just for the determination not only of the question of the liability of the defendant, but of all questions as to the persons entitled under the provisions of this Act to the damages, if any, that may be recovered. *New. See Morton v. G.T.R.*, 1904, 8 O.L.R. 372. Where several actions brought by rival claimants.

11. Chapter 166 of the Revised Statutes, 1897, and all amendments thereto are repealed. Repeal.

CHAPTER 34.

An Act respecting the Maintenance of Wives
deserted by their Husbands.*Assented to 24th March, 1911.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title.

1. This Act may be cited as *The Deserted Wives' Maintenance Act*. R.S.O. 1897, c. 167, s. 1.

Order by
Magistrate
for payment
of weekly
sum.

2.—(1) A married woman, deserted by her husband, may summon him before a police magistrate, or two justices of the peace, who, upon proof of service of the summons, and whether or not the husband appears, if satisfied that the husband being able wholly or in part to maintain his wife, or his wife and family, has wilfully refused or neglected so to do, and has deserted his wife, may order that the husband shall pay to his wife such weekly sum, not exceeding \$10, with or without costs, as the magistrate or justices may consider proper, having regard to his means and to any means the wife may have, for her support and the support of the family.

Deserted,
meaning of
enlarged.

(2) A married woman shall be deemed to have been deserted within the meaning of this section when she is living apart from her husband because of his acts of cruelty, or of his refusal or neglect without sufficient cause to supply her with food and other necessities when able to do so. R.S.O. 1897, c. 167, s. 2.

Proceedings
in case of
non-pay-
ment.

3.—(1) In case of non-payment of any sum so ordered together with costs for twenty-one days after the order has been made or such less time as the order provides, and when and so often as the payment so ordered is in arrear, such married woman may procure from the magistrate or justices making the order, a summons returnable on the tenth day after the service thereof.

(2) The summons may be served on the husband either personally or in such other manner as the magistrate or justices may in writing direct, and shall require the husband to attend at the time and place mentioned therein to show cause why the order should not be enforced as hereinafter provided.

(3) The applicant and all witnesses whom the magistrate or justices think proper may be examined on oath touching the enquiries to be made on the return of the summons.

(4) If the husband does not attend as required by the summons, or show a sufficient reason for not attending, or does not satisfy the magistrate or justices that he is unable to pay the sum ordered to be paid, the magistrate or justices may enforce the order by the like proceedings, including imprisonment, as, under *The Ontario Summary Convictions Act*, are applicable in the case of a fine or penalty imposed by a justice of the peace. R.S.O. 1897, c. 167, s. 3. 10 Edw. VII c. 37.

4. The magistrate or justices by whom the order for payment was made, or any other magistrate or justices sitting in his or their stead at his or their request, shall have power, from time to time, to vary the order on the application of either the husband or the wife, upon proof that the means of the husband or wife have been altered in amount since the making of the original order, or any subsequent order varying it. R.S.O. 1897, c. 167, s. 4. Power to vary order.

5.—(1) No order shall be made in favour of a wife who is proved to have committed adultery, unless the adultery has been condoned; and any order may be rescinded by the magistrate or justices by whom it was made, or by a magistrate or justices sitting in his or their stead at his or their request, upon proof that the wife since the making thereof has been guilty of adultery if it has not been condoned. R.S.O. 1897, c. 167, s. 5. Order not to be made when wife guilty of adultery.

(2) A finding by the magistrate or justices that adultery has been proved shall not be evidence of the adultery except for the purpose of proceedings under this Act. R.S.O. 1897, c. 167, s. 7. Effect of finding as to adultery.

6. Cases arising under this Act may, in the discretion of the magistrate or justices, be heard in private. R.S.O. 1897, c. 167, s. 6. Trial may be private.

7. A summons under this Act shall be applied for, granted, and served in the same manner as a summons in a case of assault, or in such other manner as the magistrate or justices direct; and the magistrate or justices, or Application for and service of summons

other

Rehearing.

other magistrate or justices sitting in his or their stead at his or their request, may at any time rehear the application at the instance of the husband after notice to the wife, and may confirm, rescind or vary any order made thereon as he or they may deem just. R.S.O. 1897, c. 167, s. 8.

Signing
summons.

8. Where any matter is to be heard by two justices, the summons may be signed by one of them. R.S.O. 1897, c. 167, s. 9.

Forms.

9. Orders and summonses may be according to the forms in the schedule to this Act. R.S.O. 1897, c. 167, s. 10.

Provision as
to costs and
appeal.10 Edw. VII
c. 37.

10. The costs of proceedings under this Act shall be the same as are provided for by *The Ontario Summary Convictions Act*, and the provisions of that Act as to appeals and the proceedings therein and incidental thereto shall apply to any order made under the provisions of this Act except that where the husband is the appellant he shall pay all costs. See R.S.O. 1897, c. 167, s. 11.

Repeal.

11. Chapter 167 of the Revised Statutes, 1897, and section 9 of chapter 26 of the Acts passed in the 9th year of the reign of His late Majesty King Edward the Seventh are repealed.

SCHEDULE.

SUMMONS.

County (or District) }
of } To A. B., of

Whereas application has this day been made by your wife, *C. B.*, to the undersigned Police Magistrate (or Justice of the Peace *as the case may be*) for a summons under *The Deserted Wives' Maintenance Act*, for that you have wilfully refused or neglected to maintain your said wife (or your wife and family *as the case may be*), and have deserted your said wife. These are, therefore, to command you to appear before the undersigned, or such Police Magistrate or Justices as may then and there be present in my (or our) stead at
on the _____ day after the service hereof,
at the hour of _____ in the _____ noon, to shew cause why an order should not be made against you, to pay to your said wife for her support (or for the support of her and your family, *as the case may be*) such weekly sum not exceeding \$10 as may be considered to be in accordance with your means and with the means of your said wife.

Given under _____ hand and seal _____ day of _____ 19 ____

J. S.

[L.S.]

R.S.O. 1897, c. 167, Sched. A.

ORDER

ORDER.

County (or District) }
of }

Upon reading the summons dated the day of 19 ,
issued by Police Magistrate for the
(or Justices of the Peace for) upon the application of
C. B., wife of *A. B.*, under the provisions of *The Deserted Wives'*
Maintenance Act, and upon hearing all the parties (or as the case
may be) and the evidence adduced, and it appearing that the said
C. B. is entitled to the benefit of the said Act; I (or we) the under-
signed, do hereby order that the said *A. B.* do pay hereafter to his
said wife, or her agent authorized in writing, at
the sum of \$ per week for her support
(or for the support of her and the family of the said *A. B.*), the first
weekly payment to be made on the day of 19 , together
with the costs of these proceedings, which amount to \$ which
shall be paid on or before the day of 19 .

Given under hand and seal this day of 19 .

J. S. [L.S.]

R.S.O. 1897, c. 167, Sched. B.

SUMMONS AFTER DEFAULT.

County (or District) }
of } To *A. B.*, of

Whereas under and by virtue of the provisions of *The Deserted*
Wives' Maintenance Act, by order dated the day
of 19 , made by , Police
Magistrate for (or by and two
Justices of the Peace for) you were ordered
to pay to your wife *C. B.* \$ per week, together with costs,
amounting to \$; and whereas it is alleged by the said *C. B.*
that you have made default in payment of said sum and costs, and
that there is now due and owing, by virtue of the said order, \$,
You are therefore hereby summoned to appear before me (or us) or
such other Police Magistrate (or Justice of the Peace), acting in my
(or our) stead as may then and there be present at
at the hour of o'clock in the noon, on the tenth
day after service hereof, to show cause why proceedings for enforce-
ing the said order should not be had against you under the said Act.

Given under hand and seal this day of 19 .
J. S. [L.S.]

R.S.O. 1897, c. 167, Sched. C.

CHAPTER 35.

An Act respecting Infants.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	AUTHORITY OF, s. 25.
CUSTODY OF INFANTS, SS. 2-4.	APPEALS FROM SURROGATE COURT
INFANTS' REAL ESTATE, SS. 5-13.	s. 26.
CONSENT TO ASSIGNMENT OF LEASE,	PRACTICE AND PROCEDURE IN SUR-
s. 11.	ROGATE COURTS, s. 27.
APPLICATION OF DIVIDENDS FOR	JURISDICTION OF HIGH COURT, s.
MAINTENANCE, s. 14.	28.
SETTLEMENTS BY INFANTS ON	FATHER'S AUTHORITY IN RESPECT
MARRIAGE, SS. 15-18.	OF RELIGIOUS FAITH OF CHILD,
GUARDIANS, SS. 19-25.	s. 29.
APPOINTMENT AND REMOVAL OF,	REPEAL, s. 30.
SS. 19-24.	

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1** This Act may be cited as *The Infants Act*.

CUSTODY OF INFANTS.

2.—(1) The High Court or the Surrogate Court, upon the application of the mother of an infant, who may apply without a next friend, may make such order as the Court sees fit regarding the custody of the infant, and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary or discharge the order on the application of either parent, or, after the death of either parent, of any guardian appointed under this Act, and in every case may make such order respecting the costs of the mother and the liability of the father for the same, or otherwise as the Court may deem just.

Order as to maintenance (2) The Court may also make an order for the maintenance of the infant by payment by the father, or out of any estate to which the infant is entitled, of such sum from time to time as according to the pecuniary circumstances of the father

father or the value of the estate the Court deems reasonable.
R.S.O., 1897, c. 168, s. 1.

(3) No order directing that the mother shall have the custody of or access to an infant shall be made in favour of a mother against whom adultery has been established by judgment in an action for criminal conversation or for alimony.
R.S.O., 1897, c. 168, s. 2.

Order not to be made in favour of mother guilty of adultery.

3.—(1) The father of a child under the age of twenty-one years, whether born at the time of the decease of the father or at the time *en ventre sa mere*, by deed or by his last will and testament in such manner and from time to time as he shall think fit may dispose of the custody and education of such child while he remains under the age of twenty-one years or for any lesser time to any person in possession or remainder.

Fathers may dispose of the custody of children during their minority.

(2) Such disposition shall be good and effectual against every person claiming the custody or education of such child as guardian in socage or otherwise.

(3) The person to whom the custody of such child is so committed may maintain an action against any person who wrongfully takes away or detains him for the recovery of such child and for damages for such taking away or detention for the use and benefit of the child. 12 Car. II., c. 24, s. 8; R.S.O., 1897, c. 340, s. 2.

Action of guardian for protection of ward.

4. In questions relating to the custody and education of infants the rules of equity shall prevail. R.S.O. 1897, c. 51, s. 58 (12).

Rules of equity as to custody and education of infants to prevail.

INFANTS REAL ESTATE.

5.—(1) Where an infant is seised, possessed of or entitled to any real estate in fee or for a term of years, or otherwise, and the High Court is of opinion that a sale, lease or other disposition of the same, or of a part thereof, is necessary or proper for the maintenance or education of the infant or that for any cause his interest requires or will be substantially promoted by such disposition, the Court may order the sale, or the letting for a term of years, or other disposition of such real estate, or any part thereof, to be made under the direction of the Court or of one of its officers, or by the guardian of the infant, or by a person appointed for the purpose, in such manner and with such restrictions as may be deemed expedient, and may order the infant to convey the estate.

A sale of the estate of infants may be authorized.

No sale
contrary
to a devise,
etc.

(2) No sale, lease, or other disposition shall be made contrary to the provisions of a will or conveyance by which the estate has been devised or granted to the infant or for his use. R.S.O. 1897, c. 168, s. 3.

The applica-
tion to be by
next friend
or guardian.

6. The application shall be in the name of the infant by his next friend, or guardian; but shall not be made without the consent of the infant if he is of the age of fourteen years or upwards unless the Court otherwise directs or allows. R.S.O. 1897, c. 168, s. 4.

When a sub-
stitute may
be appointed
to convey.

7. Where it is deemed convenient, the Court may direct some other person in the place of the infant to convey the estate. R.S.O. 1897, c. 168, s. 5.

Deeds exe-
cuted in be-
half of in-
fants to be
valid.

8. Every such conveyance, whether executed by the infant or by a person appointed to execute the same in his place, shall be as effectual as if the infant had executed the same, and had been of the age of twenty-one years at the time. R.S.O. 1897, c. 168, s. 6.

The Court to
direct the ap-
plication of
proceeds.

9. The money arising from such sale, lease or other disposition shall be laid out, applied and disposed of in such manner as the Court directs. R.S.O. 1897, c. 168, s. 7.

Quality of
surplus
moneys upon
sale of real
estate.

10. On any sale or other disposition so made, the money raised, or the surplus thereof, shall be of the same nature and character as the estate sold or disposed of; and the heirs, next of kin, or other representatives of the infant, shall have the like interest in any surplus which may remain at the decease of the infant as they would have had in the estate sold or disposed of if no such sale or other disposition had been made. R.S.O. 1897, c. 168, s. 8.

Consent to
assign-
ment of
lease by
infant.

11. Where an infant is seized of the reversion of land subject to a lease, and such lease contains a covenant not to assign or sublet without leave, the guardian of such infant may with the approbation of the Judge of the Surrogate Court of the County or District in which the land, or any part of it, is situate, consent to any assignment or transfer of such leasehold interest, in the same manner and with the like effect as if the consent were given by a lessor under no such disability. R.S.O. 1897, c. 170, s. 12, *amended*.

In cases of
dower a com-
position may
be made.

12. If any real estate of an infant is subject to dower, and the person entitled to dower consents in writing to accept in lieu of dower a gross sum which the Court deems reasonable, or the permanent investment of a reasonable sum in such manner that the interest thereof be made payable to the person entitled to dower during her life, the Court may direct

direct the payment of such sum in gross out of the purchase money to the person entitled to dower, as upon the principles applicable to life annuities may be deemed a reasonable satisfaction for such dower; or may direct the payment to the person entitled to dower of an annual sum or of the income or interest to be derived from the purchase money, or any part thereof, as may seem just, and for that purpose may make such order for the investment or other disposition of the purchase money, or any part thereof, as may be necessary. R.S.O. 1897, c. 168, s. 9.

(As to conveyance by infants where land is sold by direction of the Court for payment of debts of ancestor, see The Trustee Act, s. 62.)

13.—(1) Where by a will or other instrument property is given beneficially to any person for his life with a power of devising or appointing the same by will in favour of his children, or of one or more of them, the High Court may on the application, or with the consent, of the tenant for life, order that such portion of the proceeds of the property, as it may deem proper, shall be applied towards the maintenance or education of any infant child in whose favour the power might be exercised, notwithstanding that there is a gift over in the event of there being no children to take under the power, or that there is a right conferred upon the tenant for life or upon some other person in such event to make a disposition of the property in favour of some person other than such children.

(2) This section shall extend to property coming within its terms where the will or other instrument under which it is held has gone into operation or has been executed before the 5th day of May, 1894. R.S.O. 1897, c. 168, s. 10.

DIVIDENDS ON INFANT'S STOCK OR PROCEEDS THEREOF.

14.—(1) The High Court by an order to be made on the application of the guardian of an infant in whose name any stock or money by virtue of any statute for paying off any stock is standing and who is beneficially entitled thereto, or if there is no guardian by an order to be made in any action, cause or matter depending in the Court may direct all or any part of the dividends in respect of such stock or any such money to be paid to the guardian of such infant or to any other person for the maintenance and education or otherwise for the benefit of the infant.

High Court may order dividends of stock belonging to infants to be applied for maintenance.

Imp. Act 11 Geo. IV.; 1 Wm. IV. c. 65, s. 32.

(2) Such guardian or other person to whom payment is directed to be made shall be named in the order and his receipt

receipt therefor shall be as effectual as if the infant had attained the age of twenty-one years and had signed and given the same. R.S.O. 1897, c. 340, s. 12.

Costs may
be directed
to be paid.

Imp. Act 11
Geo. IV.,
1 Wm. IV.
c. 65, s. 35.

(3) The Court may order the costs and expenses of and relating to the application to be paid and raised out of, or from, the stock or dividends in respect of which the same is made in such manner as the Court deems proper. R.S.O. 1897, c. 340, s. 13.

Act to be an
indemnity to
banks, etc.

Imp. Act 11
Geo. IV.,
1 Wm. IV.
c. 65, s. 44

(4) This section shall be a full and complete indemnity and discharge to all banks, companies and societies and their officers and servants for all acts and things done, or permitted to be done pursuant thereto. R.S.O. 1897, c. 340, s. 14.

MARRIAGE SETTLEMENTS OF INFANTS.

Infants may
with the ap-
probation of
the High
Court make
valid settle-
ments
upon
marriage.

Imp. Act 18
and 19 Vict.
c. 43, s. 1.

15.—(1) Every infant upon, or in contemplation of, his marriage with the sanction of the High Court may make a valid and binding settlement, or contract for a settlement, of all or any part of his property or property over which he has a power of appointment, whether real or personal and whether in possession, reversion, remainder or expectancy, and every conveyance, appointment and assignment of such property or contract to make a conveyance, appointment or assignment thereof, executed by such infant with the approbation of the Court for the purpose of giving effect to such settlement, shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years.

(2) This section shall not extend to a power which it is expressly declared shall not be exercised by an infant. R.S.O. 1897, c. 340, s. 15.

If infant die
under age,
appointment
or disen-
tailing deed
to be void.
Imp. Act 18
and 19 Vict.
c. 43, s. 2.

16. Where an appointment under a power of appointment or a disentailing assurance has been executed by an infant tenant in tail under the provisions of the next preceding section and the infant afterwards dies under age, such appointment or disentailing assurance shall thereupon become absolutely void. R.S.O. 1897, c. 340, s. 16.

The sanction
of the High
Court to be
given upon
motion.

Imp. Act 18
and 19 Vict.
c. 43, s. 3.

17. The sanction of the Court to any such settlement or contract for a settlement may be given upon the application of the infant or his guardian without the institution of an action, and if there is no guardian, the Court may require a guardian to be appointed if it shall think fit and the Court may also require that any person interested or appearing to be interested in the property shall be served with notice of the application. R.S.O. 1897, c. 340, s. 17.

18. Nothing in the three next preceding sections shall apply to a male infant under the age of twenty years, or to a female infant under the age of seventeen years. R.S.O. 1897, c. 340, s. 18.

SS. 14-16 not to apply to males under 20 or females under 17.
Imp Act 18 and 19 Vict. c. 43, s. 4.

APPOINTMENT OF GUARDIANS.

19.—(1) The Surrogate Court may appoint the father of the infant or may with the consent of the father appoint some other suitable person or persons to be the guardian or guardians of the infant, but if the infant is of the age of fourteen years no such appointment shall be made without his consent.

Right to appoint guardians.

(2) If the infant has no father living or any guardian authorized by law to take the care of his person and the charge of his estate, if any, or if he is of the age of 14 years and does not give the consent mentioned in the next preceding subsection, upon the written application of the infant, or of any friend of the infant, residing within the jurisdiction of the Surrogate Court to which the application is made, and after proof of twenty days' public notice of the application, in some newspaper published within the county or district to the Surrogate Court of which the application is made the Court may appoint some suitable and discreet person or persons to be guardian or guardians of the infant whether the infant is or is not entitled to any property.

When Judges of Surrogate Courts may appoint guardians.

(3) Letters of guardianship granted by a Surrogate Court shall have force and effect in all parts of Ontario; and an official certificate of the grant may be obtained as in the case of letters of administration. R.S.O. 1897, c. 168, ss. 11 and 12; 3 Edw. VII. c. 7, s. 31 (1-2).

Letters of guardianship to have effect throughout Ontario.

20. Subject to the provisions of *The Guarantee Companies Securities Act* and of *The Ontario Companies Act*, the Court shall take from every guardian appointed under section 19 a bond in the name of the infant, in such penal sum and with such sureties as the Judge approves, conditioned that the guardian will faithfully perform his trust, and that he, or his executors or administrators, will, when the infant becomes of the full age of twenty-one years, or whenever the guardianship is determined, or sooner if thereto required by law, render a true and just account of all goods, moneys, interest, rents, profits or other estate of the infant, which shall have come into the hands of the guardian, and will thereupon without delay deliver and pay over to the infant, or to his executors or administrators the estate or the sum which may be in the hands of the guardian belonging to the infant, de-

Such guardians to give security by bond.

9 Edw. VII c. 67.
7 Edw. VII. c. 34.

Condition of bond.

ducting

ducting therefrom and retaining a reasonable sum for the expenses and charges of the guardian, and the bond shall be recorded by the registrar of the Court in the books of his office. R.S.O. 1897, c. 168, s. 13.

Bond to be recorded.

21.—(1) On the death of the father of an infant, the mother, if surviving, shall be the guardian of the infant, either alone, when no guardian has been appointed by the father, or jointly with any guardian appointed by the father.

On death of father, mother to be guardian alone, or jointly with others.

(2) Where no guardian has been appointed by the father, or if the guardian appointed by the father is dead, or refuses to act, the High Court or the Surrogate Court may from time to time appoint a guardian or guardians to act jointly with the mother. R.S.O. 1897, c. 168, s. 14.

(3) The mother of an infant may, by deed or will, appoint any person or persons to be guardian or guardians of the infant after the death of herself and the father of the infant, if the infant be then unmarried, and where guardians are appointed by both parents they shall act jointly.

Mother may appoint guardian in certain cases.

(4) The mother of an infant may, by deed or will, provisionally nominate some fit person or persons to act as guardian or guardians of the infant after her death jointly with the father of the infant, and the Court after her death, if it be shown that the father is for any reason unfitted to be the sole guardian of his children, may confirm the appointment of such guardian or guardians, who shall thereupon be empowered to act, or may make such other order in respect of the guardianship as may be deemed just. R.S.O. 1897, c. 168, s. 15.

(5) In the event of guardians being unable to agree among themselves or with the father upon a question affecting the welfare of an infant, any of them or the father may apply to such Court for its direction, and the Court may make such order as may be deemed just. R.S.O. 1897, c. 168, s. 16.

Direction by Court on matters affecting infant.

[As to appointment of trusts companies as guardian, see *The Ontario Companies Act*, ss. 149 and 153a, and 8 *Edw. VII. c. 43*, s. 2.]

22.—(1) Testamentary guardians and guardians appointed or constituted by virtue of this Act shall be removable by the High Court or by the Surrogate Court for the same causes for which trustees are removable. R.S.O. 1897, c. 168, s. 17.

Removal of guardians.

(2) Any such guardian may by leave of the Court resign his office upon such terms and conditions as may be deemed just. (*New.*)

23. A return of every appointment and removal or resignation of a guardian shall be made by the Registrar of the Court to the Surrogate Clerk in like manner as is required by *The Surrogate Courts Act* in the case of grants of probate or administration. R.S.O. 1897, c. 168, s. 11, *part*. Surrogate Registrar to make certain returns to Surrogate Clerk. 10 Edw. VII. c. 31.

24.—(1) The Surrogate Court referred to in sections 2 and 18 to 21, is the Surrogate Court of the county or district in which the infants or any or either of them reside. R.S.O. 1897, c. 168, s. 18. What Surrogate Court or Judge to act.

(2) The powers conferred by this Act on the High Court may be exercised by a Judge thereof in Chambers. (*New.*)

AUTHORITY OF GUARDIANS.

25. Unless where the authority of a guardian appointed or constituted by virtue of this Act is otherwise limited, the guardian so appointed or constituted during the continuance of his guardianship, Guardian's authority.

- (a) Shall have authority to act for and on behalf of the infant; To act for ward.
- (b) May appear in any Court and prosecute or defend any action or proceeding in his name; To appear in actions.
- (c) Shall have the charge and management of his estate, real and personal, and the custody of his person and the care of his education; and To manage real and personal estate, etc.
- (d) Shall have authority to apprentice the infant in accordance with the provisions of the *Apprentices and Minors Act*. R.S.O. 1897, c. 168, s. 19. To apprentice wards. Rev. Stat. c. 31.

PRACTICE IN AND APPEALS FROM SURROGATE COURTS.

26. An appeal shall lie from an order or judgment of Surrogate Court under this Act to a Divisional Court of the High Court and the practice and procedure shall be the same as in the case of an appeal under *The Surrogate Courts Act*. R.S.O. 1897, c. 168, s. 20, *part*. Appeal from order or judgment of Surrogate Court. 10 Edw. VII c. 31.

Practice and
procedure
10 Edw VII.
c. 31.

27.—(1) The practice and procedure under *The Surrogate Courts Act* and Rules shall apply to proceedings in the Surrogate Court under this Act and the power to make rules under that Act shall apply to proceedings under this Act. R.S.O. 1897, c. 168, s. 21.

Fees in
estates of
small value.

(2) Where there is no estate or where the whole estate does not exceed in value \$400 the fees to be charged to an applicant for letters of guardianship shall not exceed \$2. 3 Edw. VII. c. 7, s. 32.

GENERAL PROVISIONS.

Jurisdiction
of High
Court not
affected.

28. Nothing in this Act shall deprive the High Court of jurisdiction in matters provided for by this Act. R.S.O. 1897, c. 168, s. 11, *part*.

Religious
education of
infant

29. Nothing in this Act shall change the law as to the authority of the father in respect of the religious faith in which his child is to be educated. R.S.O. 1897, c. 168, s. 23.

Repeal

30. Chapter 168 and sections 2, 3 and 12 to 18 of chapter 340 and paragraph 12 of section 58 of chapter 51 of the Revised Statutes, 1897, and section 31 and 32 of *The Statute Law Amendment Act, 1903*, are repealed.

CHAPTER 36.

An Act respecting the Support of Illegitimate Children.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Illegitimate Children's Act*.

2.—(1) Any person who furnishes food, clothing, lodging or other necessities, to any child born out of lawful wedlock, may maintain an action for the value thereof against the father of the child, if the child was a minor at the time the necessities were furnished, and was not then residing with and maintained by his reputed father as a member of his family. R.S.O. 1897, c. 169, s. 1.

(2) Where the person suing for the value of the necessities is the mother of the child, or a person to whom the mother has become accountable for the necessities, the plaintiff shall not be entitled to recover unless the fact of the defendant being the father is proved by other testimony than that of the mother, or her testimony is corroborated by some other material evidence of that fact. R.S.O. 1897, c. 169, s. 2. *Amended.*

3. No action shall be sustained under the next preceding section, unless it is shown upon the trial thereof, that while the mother of the child was pregnant with, or within six months after the birth of the child, she had voluntarily made an affidavit before a Justice of the Peace for the county, district or city in which she then resided, declaring that the person afterwards charged in the action is really the father of the child, nor unless such affidavit was deposited within that time, in the office of the Clerk of the Peace of the county or district, or of the clerk of the council of the city. R.S.O. 1897, c. 169, s. 3.

Such affi-
davit not to
be evidence. **4.** The affidavit shall not be evidence of the fact of the
defendant being the father of the child. R.S.O. 1897, c. 169,
s. 4.

Other reme-
dies not to
be affected. **5.** This Act shall not take away or abridge any right of
action or remedy which, without this Act, might have been
maintained against the father of an illegitimate child.
R.S.O. 1897, c. 169, s. 5.

Repeal. **6.** Chapter 169 of the Revised Statutes, 1897, is repealed.

CHAPTER 37.

An Act respecting the Law of Landlord and Tenant

Assented to 24th March, 1911.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.

PART I.

RELATION OF LANDLORD AND TENANT, s. 3.
COVENANTS RUNNING WITH REVERSION, ss. 4-9.
APPORTIONMENT OF CHARGE OF RE-ENTRY, s. 8.
ON SUBDEEMISE TITLE TO REVERSION NOT TO BE REQUIRED, s. 10.
DEFECTS IN LEASES MADE UNDER POWERS OF LEASING, ss. 11-17.
MERGER OF REVERSION EXPECTANT ON A LEASE, s. 18.
RIGHT OF RE-ENTRY, s. 19.
RESTRICTIONS ON AND RELIEF AGAINST FORFEITURE OF LEASES, s. 20.
LEASES, UNDERLEASES, FORFEITURES, ss. 21-23.
LICENSES, ss. 24-25.
WAIVER OF COVENANT, s. 26.
COVENANT TO PAY TAXES, s. 27.
NOTICE TO QUIT, s. 28.
TENANT TO NOTIFY LANDLORD OF ACTION FOR RECOVERY OF LAND, s. 29.
EXEMPTIONS FROM DISTRESS:
Goods exempt from execution exempt from distress for rent, s. 30.
Goods not the property of tenant exempt, s. 31.
PROTECTION OF GOODS OF LODGERS FROM DISTRESS, s. 32.
Surrender of premises when exemption claimed, s. 33.
SEIZURE OF EXEMPTED GOODS, s. 34.
SET OFF AGAINST RENT, s. 35.
NOTICES HOW SERVED, s. 36.
DEFECT IN FORM—EFFECT OF, s. 37.
WHERE ASSIGNMENT FOR BENEFIT OF CREDITORS, s. 38.
DISTRESS, ss. 39-50.
Rents, *seck*, s. 39.

Distress for arrears on leases determined, s. 40.
Persons entitled to rent for life of another, s. 41.
Distress to be reasonable, s. 42.
Property liable to distress, ss. 43-48.
Crops in barn, etc., s. 43.
Cattle on ways, and growing crops, s. 44.
Property conditionally exempt, s. 45.
Where distress may be taken, ss. 46-49.
Fraudulent removal, ss. 48-51.
Impounding distress, s. 50.
Pound breach or rescue, s. 51.
Sale of goods distrained, s. 52.
Wrongful or irregular distress, ss. 53-54.
GOODS TAKEN IN EXECUTION NOT TO BE REMOVED WITHOUT PAYMENT OF RENT, s. 55.
CROPS SEIZED UNDER EXECUTION, s. 56.
OVERHOLDING TENANTS, ss. 57-58.
DISTRESS BY EXECUTORS OR ADMINISTRATORS, s. 59.
ATTORNEYMENT, ss. 60-61.
RENEWALS.
Chief lease may be renewed without surrender of under lease, s. 62.
By absentees, s. 63.

PART II.

DISPUTES AS TO RIGHT TO DISTRAIN, ss. 64-74.

PART III.

OVERHOLDING TENANTS, ss. 75-78.

PART IV.

GENERAL PROVISIONS.
Practice and procedure, s. 79.
REPEAL, s. 80.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title. **1.** This Act may be cited as *The Landlord and Tenant Act*, R.S.O. 1897, c. 170, s. 1.

INTERPRETATION.

Interpreta-
tion.

2. In this Act,

“Crops.”

(a) “Crops” shall mean and include all sorts of grain, grass, hay, hops, fruits, pulse and other products of the soil.

“Landlord.”

(b) “Landlord” shall mean and include lessor, owner, the person giving or permitting the occupation of the premises in question and his and their heirs and assigns and legal representatives, and in Parts II. and III. shall also include the person entitled to the possession of the premises.

“Standing
crops.”

(c) “Standing crops” shall mean crops standing or growing on the demised premises.

“Tenant.”

(d) “Tenant” shall mean and include lessee, occupant, sub-tenant, under-tenant, and his or their assigns and legal representatives. R.S.O. 1897, c. 171, s. 2. *Amended.*

PART I.

RELATION OF LANDLORD AND TENANT.

Reversion or
remainder
not neces-
sary to
create rela-
tion of land-
lord and
tenant.

3. The relation of landlord and tenant shall not depend on tenure, and a reversion in the lessor shall not be necessary in order to create the relation of landlord and tenant, or to make applicable the incidents by law belonging to that relation; nor shall it be necessary in order to give a landlord the right of distress that there shall be an agreement for that purpose between the parties. R.S.O. 1897, c. 170, s. 3.

COVENANTS RUNNING WITH REVERSION, ETC.

4. All persons being grantees or assignees of the King or of any other person than the King, and the heirs, executors, successors and assigns of every of them, shall have and enjoy like advantage against the lessees, their executors, administrators, and assigns, by entry for non-payment of the rent, or for doing of waste, or other forfeiture, and also shall have and enjoy all and every such like and the same advantage, benefit, and remedies, by action only, for not performing of other conditions, covenants, or agreements, contained and expressed in the indentures of their said leases, demises or grants, against all and every of the said lessees, and fermors, and grantees, their executors, administrators, and assigns, as the said lessors or grantors themselves, or their heirs or successors, might have had and enjoyed at any time or times. R.S.O. 1897, c. 330, s. 12.

Assignees of reversion to have like remedies as the lessors, against lessees.

32 Hen. VIII., c. 34. s. 1.

5. Rent reserved by a lease, and the benefit of every covenant or provision therein contained, having reference to the subject-matter thereof, and on the lessee's part to be observed or performed, and every condition of re-entry and other condition therein contained shall be annexed and incident to, and shall go with the reversionary estate in the land or in any part thereof, immediately expectant on the term granted by the lease, notwithstanding severance of that reversionary estate, and shall be capable of being recovered, received, enforced and taken advantage of, by any person from time to time entitled, subject to the term, to the income of the whole or any part, as the case may require, of the land leased. *New.*

Rent and benefit of lessee's covenant to run with reversion.

Imp. Act 44 and 45 Vic. c. 41, s. 10.

6. All fermors, lessees and grantees of lands, tenements, rents, portions, or any other hereditaments, for term of years, life or lives, their executors, administrators, and assigns, shall and may have like action, advantage, and remedy against all and every person who shall have any gift or grant of the King, or of any other persons, of the reversion of the same lands, tenements and other hereditaments so let, or any parcel thereof, for any condition, covenant, or agreement, contained or expressed in the indentures of their leases, as the same lessees or any of them, might and should have had against their said lessors and grantors, their heirs, or successors. R.S.O. 1897, c. 330, s. 13.

Lessees may have action of covenant, etc., against assigns of grantors and lessors.

32 Hen. VIII., c. 34. s. 2.

7. The obligation of a covenant entered into by a lessor with reference to the subject-matter of the lease, shall, if, and as far as the lessor has power to bind the reversionary estate immediately expectant on the term granted by the lease, be annexed and incident to and shall go with that reversionary estate,

Obligation of lessor's covenants to run with reversion.

Imp. Act 44
and 45 Vic.
c. 41, s. 11.

estate, or the several parts thereof, notwithstanding severance of that reversionary estate, and may be taken advantage of and enforced by the person in whom the term is from time to time vested by conveyance, devolution in law, or otherwise; and, if, and as far as the lessor has power to bind the person from time to time entitled to that reversionary estate, such obligation may be taken advantage of and enforced against any person so entitled. *New.*

APPORTIONMENT OF CONDITION OF RE-ENTRY.

Apportion-
ment of con-
ditions on
severance,
etc.

Imp. Act 41
and 45 Vic.
c. 41, s. 12.

8. Notwithstanding the severance by conveyance surrender or otherwise, of the reversionary estate in any land comprised in a lease, and notwithstanding the avoidance or cesser in any other manner of the term granted by a lease as to part only of the land comprised therein, every condition or right of re-entry, and every other condition contained in the lease, shall be apportioned, and shall remain annexed to the severed parts of the reversionary estate as severed, and shall be in force with respect to the term whereon each severed part is reversionary, or the term in any land which has not been surrendered, or as to which the term has not been avoided or has not otherwise ceased, in like manner as if the land comprised in each severed part, or the land as to which the term remains subsisting, as the case may be, had alone originally been comprised in the lease. *New.*

Application
of ss. 4, 7
and 8.

9. Sections 5 and 7 and section 8 so far as it is applicable to leases not made by deed shall apply only to leases made after the coming into force of this Act. *New.*

SUB-LESSEE NOT TO HAVE RIGHT TO CALL FOR TITLE.

On sub-
demise title
to lease-
hold rever-
sion not to
be required.

10.—(1) On a contract to grant a lease for a term of years to be derived out of a leasehold interest, with a leasehold reversion, the intended lessee shall not have the right to call for the title to that reversion.

Imp. Act 44
and 45 Vic.
c. 41, s. 13.

(2) This section applies only if, and as far as the contrary intention is not expressed in the contract, and shall have effect subject to the terms of the contract and to the provisions therein contained.

(3) This section shall apply only to contracts made after the coming into force of this Act. *New.*

DEFECTS IN LEASES MADE UNDER POWERS OF LEASING.

Leases in-
valid owing
to deviation
from terms
of the power
to be deemed
contracts for
such leases
as might

11. Where, in the intended exercise of any power of leasing, whether derived under a statute, or under any instrument lawfully creating such power, a lease has been, or shall hereafter be granted, which is, by reason of the non-observance or omission of some condition or restriction, or by reason

reason of any other deviation from the terms of such power, have been granted under the power.
 invalid as against the person entitled, after the determination of the interest of the person granting such lease, to the reversion, or against other the person who, subject to any lease lawfully granted under such power, would have been entitled to the land comprised in such lease, such lease, in case the same was made in good faith, and the lessee named therein, his heirs, executors, administrators, or assigns, have entered thereunder, shall be considered a contract for a grant, at the request of the lessee, his heirs, executors, administrators, or assigns, of a valid lease under such power, to the like purport and effect as such invalid lease, save so far as any variation may be necessary in order to comply with the terms of such power; and all persons who would have been bound by a lease lawfully granted under such power shall be bound by such contract: Provided always that no lessee under any such invalid lease, his heirs, executors, administrators, or assigns, shall be entitled, by virtue of any such contract, to obtain any variation of such lease, where the persons who would have been bound by such contract are willing to confirm such lease without variation. R.S.O. 1897, c. 330, s. 24.

Imp. Act,
12 and 13
Vic. c. 26,
s. 2.

Proviso
where the
grantor or
reversioner
is willing to
confirm.

12. Where, upon or before the acceptance of rent, under any such invalid lease, any receipt, memorandum or note in writing, confirming such lease, is signed by the person accepting such rent, or some other person by him thereunto lawfully authorized, such acceptance shall, as against the person so accepting such rent, be deemed a confirmation of such lease. R.S.O. 1897, c. 330, s. 25.

A note in
writing
showing in-
tent to con-
firm, and
acceptance
of rent to be
deemed a
confirmation.

Imp. Act,
13 and 14
Vic. c. 17,
s. 2.

13. Where, during the continuance of the possession taken under any such invalid lease, the person for the time being entitled, subject to such possession, to the land comprised in such lease, or to the possession or the receipt of the rents and profits thereof, is able to confirm such lease without variation, the lessee, his heirs, executors, or administrators, or any person who would have been bound by the lease if the same had been valid, upon the request of the person so able to confirm the same, shall be bound to accept a confirmation accordingly; and such confirmation may be by memorandum or note in writing, signed by the persons confirming, and accepting, or by some other persons by them thereunto lawfully authorized; and, after confirmation, and acceptance of confirmation, such lease shall be valid, and shall be deemed to have had from the granting thereof the same effect, as if the same had been originally valid. R.S.O. 1897, c. 330, s. 26.

Where rever-
sioner is
able and
willing to
confirm,
lessee to
accept con-
firmation.

Imp. Act,
13 and 14
Vic. c. 17,
s. 3.

Leases invalid at the granting may become valid if grantor continue in ownership until he might lawfully grant the lease.

Imp. Act.
12 and 13 V.
c. 26, s. 4.

14. Where a lease granted in the intended exercise of any power of leasing is invalid by reason that, at the time of the granting thereof, the person granting the same could not lawfully grant such lease, but the estate of such person in the land comprised in such lease has continued after the time when such, or the like lease, might have been granted by him in the lawful exercise of such power, such lease shall take effect, and be as valid, as if the same had been granted at such last mentioned time, and all the provisions of sections 11 to 17 shall apply to every such lease. R.S.O. 1897, c. 330, s. 27.

What shall be deemed an intended exercise of a power.

Imp. Act.
12 and 13 V.
c. 26, s. 5.

15. Where a valid power of leasing is vested in, or may be exercised by, a person granting a lease, and, by reason of the determination of the estate or interest of such person, or otherwise, such lease cannot have effect and continuance according to the terms thereof independently of such power, such lease shall, for the purposes of the next preceding four sections, be deemed to be granted in the intended exercise of such power, although such power is not referred to in such lease. R.S.O. 1897, c. 330, s. 28.

Saving the rights of the lessees under covenants for title and for quiet enjoyment, and the lessor's right of re-entry for breach of covenant, etc.

Imp. Act.
12 and 13 V.
c. 26, s. 6.

16. Nothing in sections 11 to 17 shall extend to, prejudice, or take away, any right of action, or other right or remedy to which, but for the next preceding five sections, the lessee named in any such lease, his heirs, executors, administrators, or assigns, would or might have been entitled, under or by virtue of any covenant for title or quiet enjoyment contained in such lease on the part of the person granting the same, or prejudice, or take away, any right of re-entry, or other right or remedy to which, but for such sections the person granting such lease, his heirs, executors, administrators, or assigns, or other person, for the time being entitled to the reversion expectant on the determination of such lease, would or might have been entitled, for or by reason of, any breach of the covenants, conditions, or provisos contained in such lease, and on the part of the lessee, his heirs, executors, administrators, or assigns, to be observed and performed. R.S.O. 1897, c. 330, s. 29.

Act not to extend to certain leases.

Imp. Act.
12 and 13 V.
c. 26, s. 7.

17. The next preceding six sections shall not extend to any lease where, before the 10th day of June, 1857, the land comprised therein has been surrendered or relinquished, or recovered adversely by reason of the invalidity thereof, or there has been any judgment or decree in any action or suit concerning the validity of such lease. R.S.O. 1897, c. 330, s. 30.

MERGER, ETC., OF REVERSIONS.

18. Where the reversion expectant on a lease of land merges or is surrendered, the estate, which for the time being confers, as against the tenant under the lease, the next vested right to the land, shall to the extent of and for preserving such incidents to and obligations on the reversion as but for the surrender or merger thereof would have subsisted, be deemed the reversion expectant on the lease. R.S.O. 1897, c. 170, s. 10.

Effect of sur-
render or
merger of
reversion ex-
pectant on a
lease in cer-
tain cases.
See Imp. Act
8 and 9 V.
c. 106, s. 9.

RIGHT OF RE-ENTRY.

19. In every demise, whether by parol or in writing, and whenever made, unless it is otherwise agreed, there shall be deemed to be included an agreement that if the rent reserved or any part thereof, shall remain unpaid for fifteen days after any of the days on which the same ought to have been paid, although no formal demand thereof shall have been made, it shall be lawful for the landlord, at any time thereafter into and upon the demised premises, or any part thereof in the name of the whole, to re-enter and the same to have again, repossess, and enjoy as of his former estate. R.S.O. 1897, c. 170, s. 11.

Right of
entry.

FORFEITURE OF LEASES.

20.—(1) In this section and the next following three sections

Interpreta-
tion.

- (a) "Lease" shall include an original or derivative under-lease and a grant at a fee farm rent or securing a rent by condition and an agreement for a lease where the lessee has become entitled to have his lease granted.
- (b) "Lessee" shall include an original or derivative under-lessee and the heirs, executors, administrators and assigns of a lessee and a grantee under such a grant and his heirs and assigns.
- (c) "Lessor" shall include an original or derivative under-lessor and the heirs, executors, administrators and assigns of a lessor and a grantor under such a grant and his heirs and assigns.

New.

(d)

"Mining lease."

Imp. Act
44, 45 V. c.
41, s. 2
(xi).

(d) "Mining Lease" shall mean a lease for mining purposes, that is a searching for, working, getting, making merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away or disposing of mines or minerals, and substances in, on or under the land, obtainable by underground or by surface working or purposes connected therewith and shall include a grant or license for mining purposes. R.S.O. 1897, c. 170, s. 13, 6 (b), *Amended*.

"Under-lease."

(e) "Under-lease" shall include an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted.

"Under-lessee."

(f) "Under-lessee" shall include any person deriving title under or from an under-lessee.

Restrictions
on and relief
against for-
feiture of
leases, Imp.
Act, s. 44,
45 V. c. 41,
s. 14,
55 and 56 V.
c. 13, s. 5.

(2) A right of re-entry or forfeiture under any proviso or stipulation in a lease, for a breach of any covenant or condition in the lease, other than a proviso in respect of the payment of rent, shall not be enforceable, by action or otherwise, unless and until the lessor serves on the lessee a notice specifying the particular breach complained of, and if the breach is capable of remedy, requiring the lessee to remedy the breach, and, in any case, requiring the lessee to make compensation in money for the breach, and the lessee fails, within a reasonable time thereafter, to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money, to the satisfaction of the lessor for the breach. *New*.

Court may
relieve from
forfeiture.

(3) Where a lessor is proceeding by action or otherwise, to enforce any right of re-entry or forfeiture, whether for non-payment of rent or for other cause, the lessee may, in the lessor's action, if any, or if there is no such action pending, then in an action brought by himself, apply to the Court for relief; and the Court may grant such relief, as having regard to the proceedings and conduct of the parties under the foregoing provisions of this section and to all the other circumstances the Court thinks fit, and on such terms, as to payment of rent, costs, expenses, damages, compensation, penalty, or otherwise, including the granting of an injunction to restrain any like breach in the future as the Court may deem just. *New*.

Where right
of entry is
under a
statute.

(4) This section shall apply, although the proviso or stipulation under which the right of re-entry or forfeiture accrues is inserted in the lease, in pursuance of the directions of a statute.

(5) For the purposes of this section, a lease limited to ^{Lease until} continue as long only as the lessee abstains from committing ^{breach.} a breach of covenant shall be and take effect as a lease to continue for any longer term for which it could subsist, but determinable by a proviso for re-entry on such a breach. R.S.O., 1897, c. 170, s. 13, *part*.

(6) Where the action is brought to enforce a right of ^{On payment} re-entry or forfeiture for non-payment of rent and the lessee ^{into Court} at any time before judgment pays into court all the rent in ^{of rent and} arrears and the costs of the action, the proceedings in the ^{costs pro-} action shall be forever stayed. ^{ceedings to} R.S.O., 1897, c. 170, s. 24, *part*. ^{be stayed.}

(7) Where relief is granted under the provisions of this ^{Where relief} section the lessee shall hold and enjoy the demised premises ^{granted} according to the lease thereof made without any new lease. ^{lessee to hold} R.S.O., 1897, c. 170, s. 24, *part*. ^{under his}

(8) The section shall apply to leases made either before ^{Application} or after the commencement of this Act and shall apply not- ^{of section.} withstanding any stipulation to the contrary.

(9) This section shall not extend—

^{Limitation}
^{of section.}

(a) To a covenant or condition, against the assigning, under-letting, parting with the possession, or disposing of the land leased; or to a condition for forfeiture on the bankruptcy of the lessee, or on the lessee making an assignment for the benefit of creditors under *The Assignments and Preferences Act*, or on the taking in execution ^{10 Edw. VII.,} of the lessee's interest; or ^{c. 64.}

(b) In the case of a mining lease, to a covenant or condition for allowing the lessor to have access to or inspect books, accounts, records, weighing machines or other things, or to enter or inspect the mine or the workings thereof. R.S.O., 1897, c. 170, s. 13.

LEASES, UNDER-LEASES, FORFEITURE.

21. Where a lessor is proceeding by action or otherwise ^{Court may} to enforce a right of re-entry or forfeiture under any coven- ^{protect un-} ant, proviso, or stipulation in a lease, the court on applica- ^{der-lessees} ^{on forfeiture} ^{of superior} ^{lease.} tion

55 and 56 V.
(Imp.) c. 13,
s. 4.

tion by any person claiming as under-lessee any estate or interest in the property comprised in the lease or any part thereof, either in the lessor's action (if any), or in any action brought by such person for that purpose, may make an order vesting for the whole term of the lease or any less term the property comprised in the lease or any part thereof in any person entitled as under-lessee to any estate or interest in such property upon such conditions, as to execution of any deed or other document, payment of rent, costs, expenses, damages, compensation, giving security, or otherwise, as the court in the circumstances of each case shall think fit, but in no case shall any such under-lessee be entitled to require a lease to be granted to him for any longer term than he had under his original sub-lease. *New.*

All assignees
of the lessor
to be parties
to an action
to enforce
right of re-
entry or
forfeiture.

22. Where a lessor is proceeding by action to enforce a right of re-entry or forfeiture under any covenant, proviso or stipulation in a lease, every person claiming any right, title or interest in the demised premises under the lease if it be known to the lessor that he claims such right or interest or if the instrument under which he claims is registered in the proper registry or land titles office shall be made a party to the action. *New.*

License to
assign not to
be unreason-
ably with-
held.

23. In every lease made after the commencement of this Act containing a covenant, condition or agreement against assigning, underletting, or parting with the possession, or disposing of the land or property leased without license or consent, such covenant, condition or agreement shall, unless the lease contains an expressed provision to the contrary, be deemed to be subject to a proviso to the effect that such license or consent shall not be unreasonably withheld. *New.*

LICENSES.

Restriction
of effect of
license under
power con-
tained in
lease, etc.,
Imp. Act 22,
23 V. c. 35,
s. 1.

24. Where a license to do any act which, without such license, would create a forfeiture, or give a right to re-enter, under a condition or power reserved in a lease is given to a lessee or his assigns, every such license shall, unless otherwise expressed, extend only to the permission actually given, or to any specific breach of any proviso or covenant, or to the actual assignment, under-lease or other matter thereby specifically authorized to be done, but shall not prevent a proceeding for any subsequent breach, unless otherwise specified in such license; and all rights under covenants and powers of forfeiture and re-entry in the lease contained shall remain in full force and virtue, and shall be available as against any

subsequent

subsequent breach of covenant or condition, assignment, under-lease, or other matter not specifically authorized or made punishable by such license, in the same manner as if no such license had been given; and the condition or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done. R.S.O., 1897, c. 170, s. 14.

25. Where in a lease there is a power or condition of re-entry on assigning or underletting or doing any other specified act without license, and a license has been or is given to one of several lessees or co-owners to assign or underlet his share or interest, or to do any other act prohibited to be done without license, or has been or is given to a lessee or owner, or any one of several lessees or owners, to assign or underlet part only of the property, or to do any other such act in respect of part only of such property such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees or owner or owners of the other shares or interest in the property, or by the lessee or owner of the rest of the property, over or in respect of such shares or interest or remaining property, but such right of re-entry shall remain in full force over or in respect of the shares or interests or property not the subject of such license. R.S.O., 1897, c. 170, s. 15.

Restricted operation of partial licenses.
Imp. Act 22-23 V. c. 35, s. 2.

WAIVER OF COVENANT.

26. Where an actual waiver of the benefit of a covenant or condition in a lease, on the part of a lessor, or his heirs, executors, administrators or assigns, is proved to have taken place, in any one particular instance, such actual waiver shall not be assumed or deemed to extend to any instance or any breach of covenant or condition other than that to which such waiver specially relates, nor to be a general waiver of the benefit of any such covenant or condition, unless an intention to that effect appears. R.S.O. 1897, c. 170, s. 16.

Waiver not to extend further than to the particular instance mentioned.

Imp. Act, 23 and 24 V., c. 38, s. 6.

COVENANT TO PAY TAXES.

27.—(1) Unless it is otherwise specifically provided in a lease made after the commencement of this Act a covenant by a lessee for payment of taxes shall not be deemed to include an obligation to pay taxes assessed for local improvements.

Covenant to pay taxes not include local improvement.

(As to Drainage Assessment see 10 Edw. VII. c. 90, s. 92.)

(2) In the case of a lease made under *The Short Forms of Leases Act* where the words "except for local improvements" are struck out or omitted from the covenant number 3 in Schedule "B" of that Act such striking out or omission shall be deemed to be a specific provision otherwise made within the meaning of subsection 1. R.S.O. 1897, c. 170, s. 17; 1 Edw. VII. c. 12, s. 27. *Amended.*

Effect of altering form of covenant

10 Edw. VII, c. 54.

LENGTH OF NOTICES TO QUIT.

28. A week's notice to quit and a month's notice to quit, respectively, ending with the week or the month, shall be sufficient notice to determine, respectively, a weekly or monthly tenancy. R.S.O. 1897, c. 170, s. 18.

Notice to quit in case of weekly or monthly tenancies.

TENANTS TO NOTIFY LANDLORDS.

29. Every tenant to whom a writ in an action for the recovery of land has been delivered, or to whose knowledge it comes, shall forthwith give notice thereof to his landlord, or to his landlord's bailiff or receiver; and, if he omits so to do, he shall be answerable to his landlord for all damages sustained by him by reason of the failure to give such notice. R.S.O. 1897, c. 170, s. 19. *Amended.*

Penalty on tenant receiving writ for recovery of land and not notifying his landlord

EXEMPTIONS FROM DISTRESS.

30.—(1) The goods and chattels exempt from seizure under execution shall not be liable to seizure by distress by a landlord for rent, except as hereinafter provided.

Goods exempt from execution to be exempt from distress.

(2) In the case of a monthly tenancy the exemption shall only apply to two months' arrears of rent.

(3) The person claiming such exemption shall select and point out the goods and chattels which he claims to be exempt. R.S.O. 1897, c. 170, s. 30.

Goods on premises not property of tenant to be exempt.

31.—(1) A landlord shall not distrain for rent on the goods and chattels of any person except the tenant or person who is liable for the rent, although the same are found on the premises; but this restriction shall not apply in favour of a person claiming title under an execution against the tenant, or in favour of a person whose title is derived by purchase, gift, transfer, or assignment from the tenant, whether absolute or in trust, or by way of mortgage or otherwise, nor to the interest of the tenant in any goods or chattels on the premises

Exceptions

premises in the possession of the tenant under a contract for purchase, or by which he may or is to become the owner thereof upon performance of any condition nor where goods or chattels have been exchanged between tenants or persons by the one borrowing or hiring from the other for the purpose of defeating the claim of or the right of distress by the landlord, nor shall the restriction apply where the property is claimed by the wife, husband, daughter, son, daughter-in-law, or son-in-law of the tenant, or by any other relative of his, if such other relative lives on the premises as a member of the tenant's family, or by any person whose title is derived by purchase, gift, transfer or assignment, from any relative to whom such restriction does not apply.

(2) Nothing in this section shall exempt from distress goods or chattels in a store or shop managed or controlled by an agent or clerk for the owner of such goods or chattels where such clerk or agent is also the tenant and in default, and the rent is due in respect of the store or shop or premises rented therewith and thereto belonging, if such goods or chattels would have been liable to seizure but for this Act.

(3) Subject to the provisions of section 34 "tenant" in this section shall include a subtenant and the assigns of the tenant and any person in actual occupation of the premises under or with the assent of the tenant during the currency of the lease, or while the rent is due or in arrear, whether or not he has attorned to or become the tenant of the landlord. "Tenant," meaning of in this section.
R.S.O. 1897, c. 170, s. 31.

PROTECTION OF GOODS OF LODGERS FROM DISTRESS.

32.—(1) If a superior landlord distrains or threatens to distrain any goods or chattels of a boarder or lodger for arrears of rent due to him by his immediate tenant, the boarder or lodger may serve the superior landlord, or the bailiff or other person employed by him to levy the distress, with a statutory declaration, made by the boarder or lodger, setting forth that the immediate tenant has no right of property or beneficial interest in such goods or chattels, and that they are the property or in the lawful possession of such boarder or lodger; and also setting forth whether any and what amount by way of rent, board or otherwise is due from the boarder or lodger to the immediate tenant; and the boarder or lodger may pay to the superior landlord, or to the bailiff or other person employed by him, the amount, if any, so due, or so much thereof as is sufficient to discharge

Declaration by boarder or lodger that immediate tenant has no property in goods distrained.

the claim of the superior landlord; and to such declaration shall be annexed a correct inventory, subscribed by the boarder or lodger, of the goods and chattels mentioned in the declaration. R.S.O. 1897, c. 170, s. 39.

Penalty.

(2) If the superior landlord, bailiff or other person, after being served with the declaration and inventory, and after the boarder or lodger has paid or tendered to him the amount, if any, which, by subsection 1, the boarder or lodger is authorized to pay, levies or proceeds, with a distress on the goods or chattels of the boarder or lodger, the superior landlord, bailiff or other person shall be guilty of an illegal distress, and the boarder or lodger may replevy such goods or chattels in any court of competent jurisdiction, and the superior landlord shall also be liable to an action at the suit of the boarder or lodger, in which the truth of the declaration and inventory may be inquired into. R.S.O. 1897, c. 170, s. 40.

Payments by boarder or lodger to superior landlord.

(3) Any payment made by a boarder or lodger pursuant to subsection 1 shall be a valid payment on account of the amount due from him to the immediate tenant. R.S.O. 1897, c. 170, s. 41.

Tenant claiming exemption must surrender premises.

33.—(1) A tenant in default for non-payment of rent shall not be entitled to the benefit of the exemption provided for by section 32 unless he gives up possession of the premises forthwith, or is ready and offers to do so.

(2) The offer may be made to the landlord or to his agent; and the person authorized to seize and sell the goods and chattels, or having the custody of them for the landlord, shall be considered an agent of the landlord for the purpose of the offer and surrender to the landlord of possession. R.S.O. 1897, c. 170, s. 32, *part*.

Seizure of exempted goods.

34.—(1) Where a landlord desires to seize exempted goods, he shall, after default has been made in the payment of rent and before or at the time of seizure serve the tenant with a notice, Form 1.

(2) The surrender of possession in pursuance of the notice shall be a determination of the tenancy. R.S.O. 1897, c. 170, s. 32, *part*.

Right of set-off.

35.—(1) A tenant may set off against the rent due a debt due to him by the landlord.

(2) Notice of the claim of set-off, Form 2, may be given before or after the seizure.

(3) When the notice is given the landlord shall be entitled to distrain, or to proceed with the distress, only for the balance of the rent after deducting any debt justly due by him to the tenant which is mentioned in the notice. R.S.O. 1897, c. 170, s. 33.

36.—(1) Service of notices under sections 34, 35 and 36 shall be made either personally or by leaving the same with a grown-up person in and apparently residing on the premises occupied by the person to be served. Service of notices as to exemptions or set-off.

(2) If the tenant cannot be found and his place of abode is not known, or admission thereto cannot be obtained, the posting up of the notice on some conspicuous part of the premises shall be good service. R.S.O. 1897, c. 170, s. 32, *part*.

37. No proceeding under the next preceding four sections shall be rendered invalid by any defect in form. Defect in form not to invalidate proceedings. R.S.O. 1897, c. 170, s. 32, *part*.

38.—(1) In case of an assignment for the general benefit of creditors by a tenant the preferential lien of the landlord for rent shall be restricted to the arrears of rent due during the period of one year next preceding, and for three months following the execution of the assignment, and from thence so long as the assignee retains possession of the premises. Lien of landlord for rent after assignment for benefit of creditors.

(2) Notwithstanding any provision, stipulation or agreement in any lease or agreement, in case of an assignment for the general benefit of creditors, or of an order being made for the winding-up of an incorporated company, the assignee or liquidator may, within one month from the execution of the assignment or the making of the winding-up order, by notice in writing signed by him given to the landlord elect to retain the premises occupied by the assignor or company at the time of the assignment or winding-up order for the unexpired term of any lease under which such premises were held, or for such portion of the term as he shall see fit, upon the terms of the lease and subject to payment of the rent therefor provided by such lease or agreement. R.S.O. 1897, c. 170, s. 34. Assignee may retain possession for remainder of term.

DISTRESS.

39. Every person may have the like remedy by distress, and by impounding and selling the property distrained in Rents seek may be distrained for.

4 Geo. II., c. 28, s. 5. cases of rents seek, as in case of rent reserved upon lease.
R.S.O. 1897, c. 342, s. 1.

Distress for
arrears on
leases deter-
mined.

8 Anne, c. 18,
(or c. 14 in
Ruffhead's
Ed.) ss. 6
and 7.

Limitation of
such distress.

40. A person having any rent due and in arrear, upon any lease for life or lives or for years, or at will, ended or determined, may distrain for such arrears, after the determination of the lease, in the same manner as he might have done if the lease had not been ended or determined, if such distress is made within six months after the determination of the lease, and during the continuance of the landlord's title or interest, and during the possession of the tenant from whom the arrears became due. R.S.O. 1897, c. 342, s. 2.

(See R.S.O. c. 127, ss. 4 (3), 5, and c. 163, ss. 5, 6, 7.)

Persons en-
titled to rent
during life of
another may
recover same
after death
of *Cestui
que vie*
32 Hen.
VIII., c. 37,
s. 4.

41. A person entitled to any rent or land for the life of another may recover by action or distress the rent due and owing at the time of the death of the person for whose life such rent or land depended, as he might have done if the person by whose death the estate in such rent or land determined had continued in life. R.S.O. 1897, c. 342, s. 4.

Distress to
be reason-
able.
52 Hen. III.,
(St. of Marl-
bridge), c. 4,
part; St. of
uncert. date,
(Imp. Rev.
St., 1870, p.
126.)

42. Distress, whether for a debt due to the Crown or to any person, shall be reasonable. R.S.O. 1897, c. 342, s. 5.

PROPERTY LIABLE TO DISTRESS.

Sheaves, and
cocks of corn
loose, etc.,
hay in barn,
etc., may be
distrained.

2 W. & M.
Sess. 1, c. 5,
s. 2.

Corn, etc.,
not to be re-
moved by
person dis-
training, to
the damage
of owner,
from the
place where
raised.

43. A person having rent due and in arrear upon any demise, lease, or contract, may seize and secure any sheaves or cocks of grain, or grain loose, or in the straw, or hay, lying or being in any barn or granary, or otherwise upon any part of the land charged with such rent, and may lock up, or detain the same, in the place where the same is found, for or in the nature of a distress until the same is replevied; and, in default of the same being replevied, may sell the same, after appraisalment thereof to be made; but such grain, or hay, so distrained shall not be removed by the person distraining, to the damage of the owner thereof, out of the place where the same is found and seized, but shall be kept there (as impounded) until it is replevied or sold in default of replevying. R.S.O. 1897, c. 342, s. 6.

Cattle or live
stock on
highway or
ways belong-
ing to de-
mised prem-
ises and
standing
crops there-
on may be
disposed of.
11 Geo. II. c.
19, s. 8.

44.—(1) A landlord may take and seize as a distress for arrears of rent any cattle or live stock of his tenant, feeding or pasturing upon any highway or on any way belonging to the demised premises or any part thereof.

(2) Subject to the provisions of subsection 4, a landlord may take and seize standing crops as a distress for arrears

of rent, and may cut, gather, make, cure, carry and lay up the same, when ripe, in the barns or other proper place on the demised premises, and if there is no barn or proper place on the demised premises, then in any other barn or proper place which the landlord hires or otherwise procures for that purpose as near as may be to the premises, and may in convenient time appraise, sell or otherwise dispose of the same towards satisfaction for the rent for which such distress is made, and of the charges of such distress, appraisement and sale in the same manner as other goods and chattels may be seized, distrained and disposed of, and the appraisement thereof shall be taken when cut, gathered, cured and made and not before. R.S.O. 1897, c. 342, s. 7. *Amended.*

(3) Notice of the place where the goods and chattels so distrained are lodged or deposited shall within one week after the lodging or depositing thereof, be given to the tenant or left at his last place of abode.

Tenant to have notice of place where distress is lodged.

(4) If after a distress of standing crops so taken for arrears of rent, and at any time before the same are ripe and cut, cured or gathered, the tenant pays to the landlord for whom the distress is taken the whole rent then in arrear, with the full costs and charges of making such distress, and occasioned thereby, then upon such payment or lawful tender thereof, the same and every part thereof shall cease, and the standing crops so distrained shall be delivered up to the tenant. R.S.O. 1897, c. 342, s. 8.

Distress of standing crops may be satisfied before crops cut.

11 Geo. II. c. 19, s. 9 (5)

(5) Where standing crops are distrained for rent they may, at the option of the landlord, be advertised and sold in the same manner as other goods; and it shall not be necessary for the landlord to reap, thresh, gather or otherwise market the same. R.S.O. 1897, c. 170, s. 33.

Sale of standing crops.

(6) Any person purchasing standing crops at such sale shall be liable for the rent of the land upon which the same are standing at the time of the sale, and until the same are removed, unless the rent has been paid or has been collected by the landlord, or has been otherwise satisfied, and the rent shall, as nearly as may be, be the same as that which the tenant whose goods were sold was to pay, having regard to the quantity of land, and to the time during which the purchaser occupies it. R.S.O. 1897, c. 170, s. 37.

Liability of purchaser of standing crops.

45. Beasts that gain the land and sheep shall not be distrained for a debt due to the Crown, nor for a debt due to any man, nor for any other cause, if there are other chattels sufficient to satisfy the debt or demand; but this provision

Sheep and cattle not to be distrained if other sufficient distress.

shall

Imp. Rev. St. 1870, p. 126 shall not affect the right to impound beasts which a man finds on his land damage feasant. R.S.O. 1897, c. 342, s. 9.

WHERE DISTRESS MAY BE TAKEN.

Chattels not to be distrained off the premises. **46.** Save as provided by section 45, and as hereinafter provided, goods or chattels which are not at the time of the distress upon the premises in respect of which the rent distrained for is due, shall not be distrained for rent. R.S.O. 1897, c. 342, s. 10.

52 Hen. III. (St. Marlbidge), c. 16.

FRAUDULENT REMOVAL.

Landlords may distrain goods fraudulently carried off the premises. **47.**—(1) Where any tenant, for life or lives, term of years, at will, sufferance, or otherwise, of any messuages, lands, tenements, or hereditaments, upon the demise or holding whereof any rent is reserved, due, or made payable, fraudulently or clandestinely, conveys away, or carries off or from such premises his goods or chattels, to prevent the landlord from distraining the same for arrears of rent so reserved, due, or made payable, the landlord, or any person by him for that purpose lawfully empowered may, within thirty days next ensuing such conveying away, or carrying off, take and seize such goods and chattels wherever the same are found, as a distress for such arrears of rent, and the same sell, or otherwise dispose of, in such manner as if such goods and chattels had actually been distrained by the landlord upon such premises for such arrears of rent.

11 Geo. II. c. 19, s. 1.

But not goods sold in good faith for value. (2) No landlord or other person entitled to such arrears of rent shall take or seize, as a distress for the same, any such goods or chattels which have been sold in good faith and for a valuable consideration, before such seizure made, to any person not privy to such fraud. R.S.O. 1897, c. 342, s. 11.

11 Geo. II. c. 19, s. 2.

Landlords may break open houses to seize goods fraudulently secured therein. **48.**—Where any goods or chattels fraudulently or clandestinely conveyed or carried away by any tenant, his servant or agent, or other person aiding or assisting therein, are or are believed to be in any house, barn, stable, outhouse, yard, close or place, locked up, fastened, or otherwise secured, so as to prevent them from being taken and seized as a distress for arrears of rent, the landlord or his agent may take and seize, as a distress for rent, such goods and chattels, first calling to his assistance a constable or peace-officer who is hereby required to aid and assist therein, and in case of a dwelling-house, oath being also first made of a reasonable ground to believe that such goods or chattels are therein, and in the daytime break open and enter into such house, barn, stable, outhouse, yard, close or place and take and seize such goods and chattels for the arrears of rent, as he might have done if they were in an open field or place upon the premises from

11 Geo. II. c. 19, s. 7.

from which they were so conveyed or carried away. R.S.O. 1897, c. 342, s. 12.

49. If a tenant so fraudulently removes, conveys away or carries off his goods or chattels, or if any person willfully and knowingly aids or assists him in so doing, in concealing the same, every person so offending shall forfeit and pay to the landlord double the value of such goods, to be recovered by action in any court of competent jurisdiction. R.S.O. 1897, c. 342, s. 13, part.

Penalty for fraudulently removing, or assisting to remove, goods. 11 Geo. II., c. 19, s. 3.

IMPOUNDING DISTRESS.

50.—(1) Beasts or cattle distrained shall not be removed or driven out of the local municipality (as defined by *The Municipal Act*) in which they are distrained, except to a fitting pound or enclosure within the same county or district not more than three miles distant from the place where the distress is taken.

Beasts distrained not to be driven out of the municipality as defined by 3 Edw. VII. c. 19. 3 Edw. 1, (St. of Westminster Prim.) c. 16, and 1 P. & M. c. 12 s. 1, part. Chattels distrained at the same time not to be impounded in different places. 1 P. & M. c. 12, s. 1, part.

(2) No cattle, or other goods or chattels, distrained or taken by way of distress for any cause at one time shall be impounded in several places.

(3) Every person offending against this section shall forfeit to the person aggrieved \$20, in addition to the damages sustained by him.

(*As to sheaves and cocks of corn, or corn loose, or in the straw, or hay, see ante, s. 44, and as to growing crops, see s. 45.*)

(4) Any person lawfully taking any distress for any kind of rent may impound or otherwise secure the distress so made, in such place, or on such part of the premises chargeable with the rent, as is most fit and convenient for that purpose, and may appraise, sell and dispose of the same upon the premises; and it shall be lawful for any person to come and go to and from such place or part of the premises where any distress for rent is so impounded and secured to view, appraise and buy, and to carry off or remove the same on account of the purchaser thereof. R.S.O. 1897, c. 342, s. 14. *Amended.*

Goods distrained may be impounded on demised premises. 11 Geo. II., c. 19, s. 10.

POUND BREACH, OR RESCUE.

51. Upon any pound breach or rescue of goods or chattels distrained for rent, the person offending, or the owner of the goods distrained, in case the same are afterwards found to have come to his use or possession, shall forfeit to the person aggrieved \$20, in addition to the damages sustained by him. R.S.O. 1897, c. 342, s. 15. *Amended.*

Pound breach or rescue damages for. 2 W. & M. Sess. 1, c. 5, s. 3.

SALE OF GOODS DISTRAINED.

Sale of
distress

not till ex-
piration of
five days,
and ap-
praisement.

(See 2 W. &
M. Sess. 1,
c. 5, s. 1.)

52. Where any goods or chattels are distrained for any rent reserved and due upon any demise, lease or contract, and the tenant or owner of them does not, within five days next after such distress taken and notice thereof, with the cause of such taking, left at the dwelling house or other most conspicuous place on the premises charged with the rent distrained for, replevy the same, then, after such distress and notice and the expiration of such five days the person distraining shall cause the goods and chattels so distrained to be appraised by two appraisers, who shall first be sworn to appraise the same truly, according to the best of their understandings, a memorandum of which oath is to be indorsed on the inventory, and after such appraisement the person so distraining may lawfully sell the goods and chattels so distrained for the best price which can be got for the same towards satisfaction of the rent for which the same were distrained and of the charges of such distress, appraisement and sale, and shall hold the overplus, if any, for the owner's use, and pay the same over to him on demand. R.S.O. 1897, c. 342, s. 16

WRONGFUL, OR IRREGULAR, DISTRESS.

Irregularities not to
make distress void
ab initio.

11 Geo. II.,
c. 19, s. 19.

53. Where any distress is made for any kind of rent justly due, and any irregularity, or unlawful act, shall afterwards be done by the person distraining, or by his agent, or if there has been an omission to make the appraisement under oath, the distress itself shall not be therefore deemed to be unlawful, nor the person making it be deemed a trespasser *ab initio*, but the person aggrieved by such unlawful act or irregularity may recover by action full satisfaction for the special damage sustained thereby. R.S.O. 1897, c. 342, s. 17.

(As to tender of Amends, see *Statute Law Amendment Act, 1911*.)

Wrongful
distress,
damages for
52 Hen. III.,
(St. of Marl-
bridge), c. 4,
in part; and
3 Edw. I.,
(St. of West-
minster
Prim.), c. 16.
Where no
rent due.

54.—(1) A distrainer who takes an excessive distress, or takes a distress wrongfully, shall be liable in damages to the owner of the goods or chattels distrained. R.S.O. 1897, c. 342, s. 18.

(2) Where a distress and sale are made for rent pretended to be in arrear and due, when, in truth, no rent is in arrear or due to the person distraining, or to the person in whose name or right such distress is taken, the owner of the goods or chattels distrained and sold, his executors, or administrators, shall be entitled by action to be brought against the person so distraining, to recover full satisfaction for the damage sustained by the distress and sale. R.S.O. 1897, c. 342, s. 18.

2 W. & M.
Sess. 1, c. 5,
s. 4.

GOODS TAKEN IN EXECUTION NOT TO BE REMOVED WITHOUT
PAYMENT OF RENT.

55.—(1) Goods or chattels lying or being in or upon any land leased for life or lives, or term of years, at will, or otherwise, shall not be liable to be taken by virtue of any execution issued out of the High Court, or out of a County or District Court, on any pretence whatsoever, unless the party at whose suit the execution is sued out before the removal of such goods or chattels from the premises by virtue of such execution, pays to the landlord, or his bailiff, all money due for rent of the premises at the time of the taking of such goods or chattels by virtue of such execution if the arrears of rent do not amount to more than one year's rent.

Goods taken in execution not to be removed till rent paid.

8 Anne, c. 18.
(or c. 14 in Ruffhead's Ed.), s. 1.

(2) If such arrears exceed one year's rent the party at whose suit such execution is sued out, on paying the landlord, or his bailiff, one year's rent, may proceed to execute his judgment.

(3) The sheriff, or other officer shall levy and pay to the execution creditor as well the money so paid for rent as the execution money. R.S.O. 1897, c. 342, s. 19.

(As to Executions out of Division Courts see *The Division Courts Act, section 217.*)

10 Edw. VII., c. 32.

CROPS SEIZED UNDER EXECUTION.

56. Where all or any part of the standing crops of the tenant of any land is seized and sold by any sheriff or other officer by virtue of any writ of execution, such crops, so long as the same remain on the land, in default of sufficient distress of the goods and chattels of the tenant, shall be liable for the rent which may accrue and become due to the landlord after any such seizure and sale, and to the remedies by distress for recovery of such rent, and that notwithstanding any bargain and sale or assignment which may have been made or executed of such crops by any such sheriff or other officer. *New.*

Growing crops seized and sold under execution to be liable for accruing rent.

Imp. Act, 14, 15 V. c. 25, s. 2.

LIABILITY OF TENANTS OVERHOLDING.

57. Where a tenant for any term for life, lives or years, or other person who comes into possession of any land, by, from, or under, or by collusion with such tenant wilfully holds over such land or any part thereof, after the determination of such term, and after notice in writing given for delivering the possession thereof by his landlord, or the person to whom the remainder or reversion of such land belongs, or his agent thereunto lawfully authorized, such tenant or other person so holding over shall, for and during the time he so holds over or keeps the person entitled out of possession,

Overholding tenant to pay double value.

4 Geo. II., c. 28, s. 1.

sion, pay to such person, or his assigns, at the rate of double the yearly value of the land so detained, for so long as the same is detained, to be recovered by action in any court of competent jurisdiction, against the recovering of which penalty there shall be no relief. R.S.O. 1897, c. 342, s. 20.

Tenants over-holding, after giving notice to quit liable for double rent.

58. Where a tenant gives notice of his intention to quit the premises by him holden at a time mentioned in such notice, and does not accordingly deliver up the possession thereof at the time mentioned in such notice, the tenant shall from thenceforward pay to the landlord double the rent or sum which he should otherwise have paid, to be levied, sued for, and recovered at the same times and in the same manner as the single rent or sum before the giving such notice could be levied, sued for, or recovered; and such double rent or sum shall continue to be paid while such tenant continues in possession. R.S.O. 1897, c. 342, s. 21.

11 Geo. II., c. 19, s. 18.

EXECUTORS OR ADMINISTRATORS.

Executors or administrators of a lessor may distrain for arrears.

59. The executors or administrators of a landlord may distrain for the arrears of rent due to such landlord in his lifetime, and may sue for the same in like manner as such landlord might have done if living, and the powers and provisions contained in this Act relating to distresses for rent shall be applicable to the distresses so made. R.S.O. 1897, c. 129, ss. 13 and 14., and c. 337, s. 11.

[As to Waste see *Conveyancing and Law of Property Act.*]

(See R.S.O. c. 330, ss. 21-23.)

ATTORNMENT.

Attornment to stranger to title void.

60. Every attornment of a tenant of any land to a stranger claiming title to the estate of his landlord shall be absolutely null and void; and the possession of his landlord shall not be deemed to be changed, altered or affected by any such attornment; provided always that nothing herein shall vacate or affect any attornment made pursuant to and in consequence of a judgment or order of a court, or made with the privity and consent of the landlord, or to any mortgagee after the mortgage has become forfeited. R.S.O. 1897, c. 342, s. 23.

11 Geo. II., c. 19, s. 11.

Attornment of tenant, in what cases not necessary.

61.—(1) Every grant or conveyance of any rent or of the reversion or remainder of any land shall be good and effectual without any attornment of the tenant of the land out of which such rent issues, or of the particular tenant upon whose particular estate any such reversion or remainder is expectant or depending.

4 and 5 Anne, c. 3 (or c. 16, in Ruffhead's Ed.), s. 9.

(2) A tenant shall not be prejudiced, or damaged by the payment of rent to any grantor or by breach of any condition for non-payment of rent, before notice to him of such grant by the grantee. R.S.O. 1897, c. 342, s. 2.¹

Tenant not to be prejudiced.
4 and 5 Anne, c. 3, (or c. 16, in Ruffhead's Ed.), s. 10.

RENEWALS.—CHIEF LEASE MAY BE RENEWED WITHOUT SURRENDER OF UNDER-LEASE.

62.—(1) Where a lease is duly surrendered in order to be renewed, and a new lease is made and executed by the chief landlord, the new lease shall, without a surrender of all or any of the under-leases, be as good and valid as if all the under-leases derived thereout had been likewise surrendered at or before the time of taking of such new lease.

Chief leases may be renewed without surrendering all the under-leases.

4 Geo. II., c. 28, s. 6.

(2) Every person in whom any estate for life, or lives, or for years, is from time to time vested by virtue of such new lease shall be entitled to the rents, covenants and duties, and have like remedy for recovery thereof, and the under-lessees shall hold and enjoy the land in the respective under-leases comprised, as if the original lease had been kept on foot and continued, and the chief landlord shall have and be entitled to such and the same remedy by distress or entry in and upon the land comprised in any such under-lease for the rents and duties reserved by such new lease, so far as the same do not exceed the rents and duties reserved in the lease out of which such under-lease was derived, as he would have had if such former lease had been still continued or as he would have had if the respective under-leases had been renewed under such new principal lease. R.S.O. 1897, c. 342, s. 25.

(See R.S.O. c. 170, s. 10.)

RENEWAL OF LEASE BY ABSENTEES.

63.—(1) Where any person who, in pursuance of any covenant or agreement in writing, if within Ontario and amenable to the process of the High Court, might be compelled to execute any lease by way of renewal, is not within Ontario, or is not amenable to the process of the Court, the High Court upon the motion of any person entitled to such renewal, whether such person is, or is not, under any disability, may direct such person as the Court thinks proper to appoint for that purpose to accept a surrender of the subsisting lease, and to make and execute a new lease in the name of the person who ought to have renewed the same.

If persons bound to renew are out of Ontario, renewals may be made by a person appointed by the Court in the name of the person who ought to have renewed.

Imp. Act 11, Geo. IV., and 1 W. IV., c. 65, s. 18.

(2) A new lease executed by the person so appointed, shall be as valid as if the person in whose name the same was made was alive and not under any disability, and had himself executed it.

(3) In every such case it shall be in the discretion of the Court to direct an action to be brought to establish the right of the person seeking the renewal, and not to make the order for such new lease unless by the judgment to be made in such action, or until after it shall have been entered. R.S.O. 1897, c. 342, s. 26.

Fines to be paid before renewals and counter-parts are executed.

Imp. Act 11, Geo. IV., and 1 W. IV., c. 65, s. 20.

(4) A renewed lease shall not be executed by virtue of this section in pursuance of any covenant or agreement, unless the sum or sums of money, if any, which ought to be paid on such renewal, and the things, if any, which ought to be performed in pursuance of such covenant or agreement by the tenant be first paid and performed, and counterparts of every such renewed lease shall be duly executed by the tenant. R.S.O. 1897, c. 342, s. 27.

Premiums, how to be paid.

Imp. Act, 11 Geo. IV., and 1 W. IV., c. 65, s. 21.

(5) All sums of money which are had, received or paid for, or on account of, the renewal of any lease by any person out of Ontario or not amenable to the process of the High Court, after a deduction of all necessary incidental charges and expenses, shall be paid to such person or in such manner or into the High Court to such account, and be applied and disposed of as the Court shall direct. R.S.O. 1897, c. 342, s. 28.

Costs may be directed to be paid.

Imp. Act 11, Geo. IV., and 1 W. IV., c. 65, s. 35.

(6) The High Court may order the costs and expenses of and relating to the applications, orders, directions, conveyances and transfers, or any of them, to be paid and raised out of or from the land or the rents in respect of which the same are respectively made, in such manner as the Court shall deem proper. R.S.O. 1897, c. 342, s. 29.

PART II.

DISPUTES AS TO RIGHT TO DISTRAIN.

Interpretation.

64. In this Part—

“Judge.”

(a) “Judge” shall mean Judge of the County or District Court of the county or district in which a distress to which this Part applies is made. 10 Edw. VII. c. 75, s. 1.

Disputes as to right to dis-train.

65. Where good or chattels are distrained by a landlord for arrears of rent, and the tenant disputes the right of the landlord to distrain in respect of the whole or any part of the goods or chattels, or disputes the amount claimed by the landlord, the tenant may apply to the Judge to determine the matters so in dispute, and the Judge may hear and determine the same in a summary way, and may make such order

order in the premises as he may deem just. 10 Edw. VII. c. 75, s. 2.

66. Where notice of such an application has been given to the landlord the Judge, pending the disposition of it by him, may make such order as he may deem just for the restoration to the tenant of the whole or any part of the goods or chattels distrained, upon the tenant giving security, by payment into Court or otherwise as the Judge may direct, for the payment of the rent which shall be found due to the landlord and for the costs of the distress and of the proceedings before the Judge and of any appeal from his order, or such of them as the tenant may be ordered to pay. 10 Edw. VII. c. 75, s. 3.

Order of Judge pending determination of dispute.

67. The Judge shall have jurisdiction and authority to determine any question arising upon the application which the Court of which he is Judge has jurisdiction to determine in an action brought in that Court. 10 Edw. VII. c. 75, s. 4.

Jurisdiction of Judge.

68. Where the amount of the rent claimed by the landlord exceeds \$800 or where any question is raised which a County or District Court would not have jurisdiction to try in an action brought in such Court, the Judge shall not, without the consent in writing of the landlord, deal with the application summarily, but shall direct an action to be brought or an issue to be tried in the High Court for the determination of the matters in dispute. 10 Edw. VII. c. 75, s. 5.

When Judge to direct that action be brought or issue tried.

69.—(1) Where the Judge under the next preceding section directs an action to be brought or an issue to be tried, he shall have the like power as to the restoration to the tenant of the goods or chattels or of any part of them as is conferred by section 65 and where it is exercised the security shall be as provided in that section, except that, as to costs, it shall be not only for the costs of the proceedings before the Judge, but also for the costs of the action or issue, including any appeal therein or such of them as the tenant may be ordered to pay.

Interim order for restoration of goods on security being given, etc.

(2) The High Court shall determine by whom and in what manner the costs of the action or issue and of the application to the Judge shall be borne and paid.

Cost of proceedings.

(3) Judgment may be entered in accordance with the direction of the Court, made at or after the trial, and may be enforced in like manner as a judgment of the Court. 10 Edw. VII. c. 75, ss. 6, 7 and 8.

Entry of judgment.

When decision of judge to be final.

70. Where the amount claimed by the landlord does not exceed \$100, the decision of the Judge shall be final. 10 Edw. VII. c. 75, s. 9.

When appeal from Judge to lie.

71. Where the amount claimed by the landlord exceeds \$100, an appeal shall lie from any order of the Judge made on an application to him under the provisions of section 65, by which the matters in dispute are determined, in like manner as if the same were a judgment of the Court of which he is Judge, pronounced in an action. 10 Edw. VII. c. 75, s. 10.

Appeal when action brought or issue tried.

72. Where an issue is tried there shall be the same right of appeal from the judgment as if the judgment had been pronounced in an action. 10 Edw. VII. c. 75, s. 11.

Scale of costs

73. Where the amount claimed by the landlord does not exceed \$100 the costs of the proceedings before the Judge shall be on the Division Court scale, and where the amount claimed exceeds \$100 they shall be on the County Court scale, except in an action or issue in the High Court directed under section 69. 10 Edw. VII. c. 75, s. 12.

Other remedies of tenant.

74. Nothing in this Part shall take away or affect any remedy which a tenant may have against his landlord or require a tenant to proceed under this Part instead of by bringing an action, but where instead of proceeding under this Part he proceeds by action, the Court in which the action is brought, if of opinion that it was unnecessarily brought, and that a complete remedy might have been had by a proceeding under this Part, may direct the tenant although he succeeds, to pay any additional costs occasioned by his having brought the action. 10 Edw. VII., c. 75, s. 12.

PART III.

OVERHOLDING TENANTS.

Application to be made to the County Court Judge against overholding tenant.

75.—(1) Where a tenant after his lease or right of occupation whether created by writing or by parol has expired or been determined, either by the landlord or by the tenant, by a notice to quit or notice pursuant to a proviso in any lease or agreement in that behalf, or has been determined by any other act whereby a tenancy or right of occupancy may be determined or put an end to, wrongfully refuses or neglects, to go out of possession of the land demised to him, or which he has been permitted to occupy, his landlord may

apply upon affidavit to the Judge of the County or District Court of the county or district in which the land lies to make the inquiry hereinafter provided for.

(2) The Judge shall in writing appoint a time and place ^{Judge to appoint time and place for determining matter} at which he will inquire and determine whether the person complained of was tenant to the complainant for a term or period which has expired or has been determined by a notice to quit or for default in payment of rent or otherwise, and whether the tenant holds the possession against the right of the landlord, and whether the tenant, having no right to continue in possession, wrongfully refuses to go out of possession. R.S.O. 1897, c. 171, s. 3.

(3) Notice in writing of the time and place appointed, ^{Notice thereof to be served on the tenant.} stating briefly the principal facts alleged by the complainant as entitling him to possession, shall be served upon the tenant or left at his place of abode at least three days before the day so appointed, if the place appointed is not more than twenty miles from the tenant's place of abode, and one day in addition for every twenty miles above the first twenty, reckoning any broken number above the first twenty as twenty miles, to which notice shall be annexed a copy of the Judge's appointment and of the affidavit on which it was obtained, and of the documents to be used upon the application. R.S.O. 1897, c. 171, s. 14.

76. The proceedings under this Part shall be entitled in ^{Proceedings, how entitled.} the County or District Court of the county or district in which the land lies, and shall be styled:
"In the matter of (giving the name of the party complaining), Landlord, against (giving the name of the party complained against) Tenant."

R.S.O. 1897, c. 171, s. 10.

77.—(1) If at the time and place appointed the tenant ^{Proceedings in default of appearance.} fails to appear, the Judge if it appears to him that the tenant wrongfully holds against the right of the landlord, may order a writ of possession, Form 3, directed to the sheriff of the county or district in which the land lies to be issued, commanding him forthwith to place the landlord in possession of the land.

(2) If the tenant appears, the Judge shall, in a summary ^{In case of appearance.} manner, hear the parties and their witnesses, and examine into the matter, and if it appears to the Judge that the tenant wrongfully holds against the right of the landlord, he may order the issue of the writ. R.S.O. 1897, c. 171, s. 5.

Appeal.

10 Edw. VII.
c. 30.

78.—(1) An appeal shall lie to a Divisional Court of the High Court from the order of the Judge granting or refusing a writ of possession and the provisions of *The County Courts Act* as to appeals shall apply to such an appeal.

Discharging
order
for pos-
session on
appeal.

(2) If the Divisional Court is of opinion that the right to possession should not be determined in a proceeding under this Part the Court may discharge the order of the Judge and the landlord may in that case proceed by action for the recovery of possession. *New.*

Restoring
tenant to
possession.

(3) When the order is discharged, if possession has been given to the landlord under a writ of possession the Court may direct that possession be restored to the tenant. *New.*

PART IV.

GENERAL PROVISIONS.

Practice and
Procedure.

79. Except as therein otherwise provided the practice and procedure under Parts II and III shall be in accordance with the practice and procedure in the County Courts. *New.*

Repeal.

80. Chapters 170, 171, and 342, and sections 13 and 14 of chapter 129, and section 8 to 11 of chapter 340, and section 11 of chapter 337 of the Revised Statutes, 1897, and chapter 75 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh, and all amendments to the said Acts and parts of Acts are repealed.

(As to liability of a tenant to pay for night watchman, see section 548 (2b) of the Consolidated Municipal Act, 1903.)

(As to right of tenant to deduct money paid for taxes from rent, and as to right to pay rent to collector until the taxes are paid, see Assessment Act, sections 91 to 93.)

(As to duty of tenant to notify landlord of the construction of ditches, see The Ditches and Watercourses Act, cap 285, s. 15 (2)).

(As to drainage assessment, see 10 Edw. VII. c. 90, s. 92.)

Commence-
ment of
Act.

81. This Act shall come into force and take effect from and after the first day of September, 1911.

FORM I.

NOTICE TO TENANT.

Take notice that I claim \$_____ for rent due to me in respect of the premises which you hold as my tenant, namely, (*here briefly describe them*); and unless the said rent is paid, I demand from you immediate possession of the said premises; and I am ready to leave in your possession such of your goods and chattels as in that case only you are entitled to claim exemption for.

Take notice further, that if you neither pay the said rent nor give me possession of the said premises within three days after the service of this notice, I am by *The Landlord and Tenant Act* entitled to seize and sell and I intend to seize and sell all your goods and chattels, or such part thereof as may be necessary for the payment of the said rent and costs.

Dated this day of 19 A.B. (landlord).

To C. D. (tenant).

R.S.O. 1897, c. 170, s. 32, (4).

FORM 2.

NOTICE TO LANDLORD.

Take notice, that under *The Landlord and Tenant Act* I wish to set off against rent due by me to you, the debt which you owe to me on your promissory note for _____
dated _____ (or as the case may be.)

Dated this day of 19 .
C.D., (tenant).

R.S.O. 1897, c. 170, s. 33, (2).

FORM 3.

WRIT OF POSSESSION.

ONTARIO.

To Wit:

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith.

[L.S.]

To the sheriff of the

Greeting:

Whereas

of _____, Judge of the _____ Court,
by his order dated the _____
day of _____ 19____, made in pursuance of *The*
Landlord and Tenant Act, on the complaint of _____
against _____, adjudged

that
of

was entitled to the possession

with

with the appurtenances in your Bailiwick, and that a Writ should issue out of our said Court accordingly, (*if costs are awarded add* and also ordered and directed that the said should pay the costs of the proceedings had under the said Act, which have been taxed at the sum of).

THEREFORE, WE COMMAND YOU that without delay you cause the said to have possession of the said land and premises, with the appurtenances, (*if costs are awarded add* and We also command you that of the goods and chattels and lands and tenements of the said in your Bailiwick, you cause to be made being the said costs so taxed and have that money in Our said Court immediately after the execution hereof, to be rendered to the said).

And in what manner you shall have executed this Writ make appear to Our said Court, immediately after the execution hereof, and have there then this Writ.

Witness,
Court at
of

Judge of Our said
day
, this
19 .

Clerk.

Issued from the office of the Clerk of the County (*or District*) Court of the County (*or United Counties, or District*) of

Clerk.

R.S.O. 1897, c. 171, Form 1.

CHAPTER 38.

An Act respecting the Study of Anatomy.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

INSPECTORS OF ANATOMY—APPOINTMENT, DUTIES AND FEES, ss. 3, 8.

WHAT BODIES MAY BE DELIVERED FOR DISSECTION AND TO WHOM, s. 4.

DUTY TO INTER BODY, s. 5.

TO WHOM BODIES TO BE DELIVERED, s. 6.

BODY MAY BE CLAIMED BY FRIENDS, s. 7.

DUTIES OF LOCAL INSPECTOR, s. 8.

NOTICE TO BE GIVEN BY INSPECTOR OF HIS APPOINTMENT TO CERTAIN PERSONS, s. 9.

NOTICE TO INSPECTOR BY CORONEE, ETC. ss. 10-13.

REGISTER TO BE KEPT BY SUPERINTENDENTS OF PUBLIC INSTITUTIONS, s. 13, (2).

SECURITY TO BE GIVEN BY MEDICAL SCHOOLS, s. 14.

PENALTIES:

Neglect of duty by inspectors, etc., s. 15.

Removal of bodies from Province, s. 16.

Recovery of, s. 17.

BURIALS BY MUNICIPALITIES, s. 18.

REPEAL, s. 19.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Anatomy Act*. R.S.O. Short title. 1897, c. 177, s. 1.

2. In this Act,

“Medical School” shall mean and include the Faculties of Medicine of the University of Toronto, of Queen’s University and of the Western University, the Hamilton School of Anatomy and any other institution which the Lieutenant-Governor in Council may declare to be a medical school. (*New*.)

3. The Lieutenant-Governor in Council may appoint a General Inspector of Anatomy for the Province and local Inspectors for such places as may be deemed advisable and may make regulations defining the duties of the General Inspector and imposing duties on the local Inspectors in addition to the duties imposed by this Act and otherwise for carrying

ing out the provisions of this Act, and may fix the fees to be received by the General Inspector and local Inspectors for services performed under this Act and under such regulations. 10 Edw. VII. c. 26, s. 40.

Disposal of
certain
bodies for
study of
anatomy.

4.—(1) The body of any dead person found publicly exposed or sent to a public morgue, upon which a coroner after having viewed it shall deem an inquest unnecessary or of any person who immediately before death was supported in and by any public institution shall be immediately placed under the control of the local Inspector of Anatomy for the locality.

(2) Unless such body within twenty-four hours after being so found or sent to a public morgue or after death where the death takes place in a public institution is claimed by

(a) A relative or a *bona fide* friend, or

(b) A person who produces an order made under subsection 3 and pays \$5 to defray the funeral expenses, or

(c) In the case of the body of a person who was supported in a county House of Refuge, by a county councillor,

the same shall be delivered by the local Inspector to some person qualified as hereinafter provided.

(3) An order, Form 1, may be obtained from the Police Magistrate or where there is no Police Magistrate from a Justice of the Peace having jurisdiction in the locality.

(4) This section shall not apply to the body of a lunatic who has died in a Provincial Lunatic Asylum. R.S.O. 1897, c. 177, s. 2; 62 V. (2) c. 11, s. 37 (2); 4 Edw. VII. c. 10, s. 41. *Amended.*

Duty to
inter body
delivered to
relative or
friend.

5.—(1) It shall be the duty of the relative or friend to whom a dead body is delivered under the provisions of section 3 to cause it to be decently interred or he may upon payment to them of \$5 require the authorities under whose care the dead body was to inter it. *New.*

(2) A dead body delivered to a county councillor shall be decently interred at the expense of the county. *New.*

To whom
unclaimed
bodies shall
be delivered.

6. The persons qualified to receive such unclaimed bodies shall be the teachers of anatomy or surgery in a medical school;

school; and if there is any medical school in the locality where there is a body to be delivered to persons so qualified, such school shall have the first claim to the body. R.S.O. 1897, c. 177, s. 4.

7.—(1) Any medical school obtaining a body shall keep and preserve the same for not less than fourteen days, and in the event of a relative or *bona fide* friend claiming it within that time, the medical school shall deliver the body to such relative or friend upon receipt of the reasonable costs and charges for preserving and keeping the same, not to exceed \$10. R.S.O. 1897, c. 177, s. 3.

Body delivered to medical school may be claimed by friends.

(2) Every such medical school shall keep such records as may be prescribed by the regulations, and the same shall at all times be open to inspection by the General Inspector and by a local Inspector. *New.*

8. Every local Inspector of Anatomy shall

Duties of local Inspector.

- (a) Keep a register showing the name, age, sex, birth-place and religious denomination of every person whose unclaimed body has been received by him, and the name of the medical school to which such body was delivered, with the date of delivery. R.S.O. 1897, c. 177, s. 6, par. 1; 62 V. (2) c. 11, s. 37 (2).
- (b) Keep a register of the medical schools qualified to receive and desirous of receiving bodies for the instruction of students;
- (c) Subject to the provisions of section 6 distribute all bodies, in rotation, to such schools in proportion to the number of persons actually engaged in the study of human anatomy in each school, as shown by their official registers, which he shall be allowed to inspect;
- (d) Inspect the authorized practical anatomy rooms in his locality at least once in every six weeks, and direct the removal and decent interment of any remains that he deems it advisable to have interred;
- (e) Keep his registers open for the inspection of any registered medical practitioner who may desire to inspect them;
- (f) Enter in the morgue register for the purpose of identification a description of every body received

by him, and of the clothing and effects found thereon, and the name of the medical school to which such body was delivered. R.S.O. 1897, c. 177, s. 6, pars 2-6.

(g) Furnish to the General Inspector the name of the deceased and of the school to which the body was sent. 62 V. (2), c. 11, s. 37 (2).

Certain persons to be notified by the Inspector on appointment.

9. Every local Inspector shall, without delay, give notice of his appointment to all persons mentioned in sections 10 to 13. R.S.O. 1897, c. 177, s. 7.

Coroner to give notice to Inspector of bodies found exposed.

10. Every coroner, whether he does or does not hold an inquest on a body found publicly exposed, to which his attention has been called, and which is not claimed in accordance with section 4, shall give notice to the local Inspector, if there is one, and if there is none, he shall cause the body to be interred at the expense of the municipality in which it was found. R.S.O. 1897, c. 177, s. 9. *Amended.*

Notice to be given to Inspector by person in charge of morgue.

11. Where the body is placed in a public morgue, the person in charge of the morgue shall forthwith give notice thereof to the local Inspector. R.S.O. 1897, c. 177, s. 10.

Notice to be given to Inspector by head of municipality.

12. The head of any municipality in which a dead body to which this Act applies is found and of which he has notice shall cause notice thereof to be given within twenty-four hours to the local Inspector. R.S.O. 1897, c. 177, s. 11.

Notice to be given to Inspector by superintendents of public institutions.

13.—(1) The superintendent of every public institution to which this Act applies shall, upon the death of an inmate of the institution, give notice thereof within twenty-four hours to the local Inspector. R.S.O. 1897, c. 177, s. 12.

Register to be kept by superintendent.

(2) Every such superintendent shall keep a register showing the name, age, sex, birthplace and religious denomination of each person whose body is disposed of under the provisions of this Act, and the school to which such body is delivered, and shall file all documents furnished by persons claiming bodies, and such register and documents shall be open for inspection.

Body only to be delivered to school on order.

(3) No superintendent shall deliver a body to a medical school except on the written order of the local Inspector. R.S.O. 1897, c. 177, s. 13.

14. A medical school desiring to avail itself of the benefits of this Act shall give a bond to the General Inspector in the sum of \$80, with two sufficient sureties to his satisfaction in the sum of \$40 each, for the decent interment of the bodies after they have served the purposes required; and thereupon the General Inspector shall deliver to such school a written authority to open a practical anatomy room entitled to the benefits of this Act. R.S.O. 1897, c. 177, s. 15.

Medical schools availing themselves of this Act to give security.

15. Every person who neglects to discharge the duties imposed upon him by this Act or any regulation made thereunder or who contravenes any provision thereof shall incur a penalty of not more than \$20 for every such offence. R.S.O. 1897, c. 177, s. 16.

Penalty for neglect of duty by Inspector, etc.

16. No person shall send or take a dead body out of Ontario for surgical or practical anatomical purposes, and every person contravening the provisions of this section shall for each offence incur a penalty of \$100. R.S.O. 1897, c. 177, s. 17.

Removal of bodies from Province for purposes of anatomy prohibited.

17. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 177, s. 18.

Recovery of penalties. 10 Edw. VII. c. 27.

18. Subject to the provisions of this Act, any unclaimed dead body found within the limits of a city, town, incorporated village or township, shall be interred at the expense of the corporation thereof, but such corporation may recover such expense from the estate of the deceased or from any person whose duty it was to inter such dead body. R.S.O. 1897, c. 177, s. 19.

Burial of unclaimed bodies.

19. Chapter 177 of the Revised Statutes, 1897, and sub-section 2 of section 37 of chapter 11 of the Acts passed at the second session of the 62nd year of the reign of Her late Majesty Queen Victoria, and section 41 of chapter 10 of the Acts passed in the 4th year, and section 40 of chapter 26 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh are repealed.

Repeal.

FORM I.

THE ANATOMY ACT.

To all whom it may concern:

Whereas *A. B.*, of (*here state the name, residence and occupation of the person by whom or on whose behalf the order is applied for*) has satisfied me that he is a relative (*or bona fide friend*) of *C. D.*, deceased, and is entitled to have his body delivered to him for the purpose of interment.

I hereby authorize and order every person and authority having the present custody or control of the body forthwith upon presentation of this order to deliver it to the said *A. B.* for interment.

Witness my hand and seal as Police Magistrate (*or Justice of the Peace*) of and for
this day of 19 (*as the case may be*)

R.S.O. 1897, c. 177, s. 2, *part.*

CHAPTER 39.

An Act respecting Dentistry.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	Certificates of License, who entitled to, s. 18.
ROYAL COLLEGE OF DENTAL SURGEONS CONTINUED, s. 2.	Annual meetings of the Board for holding examinations, etc., ss. 19-20.
POWER TO HOLD REAL ESTATE, s. 3.	Granting Certificates of License, etc., ss. 21-22.
BOARD OF DIRECTORS, ss. 4-9.	Examination Fees, s. 23.
PAYMENT OF MEMBERS, s. 10.	Annual Fees, s. 24.
APPLICATION OF FUNDS, s. 11.	OFFENCES AND PENALTIES—
POWERS OF BOARD—	Practising without certificate, s. 25.
Establishment of School of Dentistry, s. 12.	Procedure on prosecutions, s. 26.
Preliminary examination of students, s. 13.	SUSPENSION OR CANCELLATION OF CERTIFICATE, s. 27.
Curriculum of studies and regulations respecting students, s. 14.	APPEAL FROM ORDER, ss. 28-29.
Power to arrange for education of students, s. 15.	RESTORING CERTIFICATE, s. 30.
Conferring degree of M.D.S., s. 16.	MEDICAL PRACTITIONERS NOT AFFECTED, s. 31.
By-laws, s. 17.	REPEAL, s. 32.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Dentistry Act*. *New.* Short title.

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO.

2. "The Royal College of Dental Surgeons of Ontario," hereinafter called "the College," is continued, and every person who holds a valid and unforfeited certificate of license to practise dentistry granted to him by such College shall be a member of the corporation. *R.S.O. 1897, c. 178, s. 1.* Royal College of Dental Surgeons of Ontario, continued.

3.—(1) The College may purchase, take and possess for the purposes of the College, but for no other purpose, and after acquiring the same, may sell, mortgage, lease or dispose of any real estate. *New.* Power to hold real estate.

Consent to
alienation,
etc., re-
quired.

(2) Such real estate shall not be sold, mortgaged, leased or disposed of, except with the consent of the Board of Directors, given at a meeting duly called for that purpose.

Notice of
meeting.

(3) Notice of such meeting shall be given to every member of the Board, by letter mailed to his last registered address, seven days before the day appointed for such meeting, stating the object thereof. R.S.O. 1897, c. 178, s. 2 (2).

BOARD OF DIRECTORS.

Board of Di-
rectors of
College of
Dental Sur-
geons.

4.—(1) There shall be a Board of Directors of the College, hereinafter called "the Board."

(2) The Board shall consist of eight members, all of whom shall be members of the College, and they shall hold office for two years, and any four of them shall form a quorum.

(3) One member shall be elected for each electoral district mentioned in Schedule "A" by the members of the College resident in such district.

(4) No person shall be qualified to be elected as a member for an electoral district unless he is a resident in it and is not a member of the faculty of the School of Dentistry.

(5) One member shall be elected by and from the faculty of the School of Dentistry.

(6) When a vacancy occurs in the representation of the faculty such vacancy shall be filled by the faculty. R.S.O. 1897, c. 178, s. 3.

Electoral
districts.

5. The Province of Ontario shall, for the purposes of this Act, be divided into the seven electoral districts described in Schedule "A," R.S.O. 1897, c. 178, s. 4.

Election of
board.

6.—(1) An election of the Board shall be held on the second Wednesday of December in every second year, reckoning from the year 1910; and the present Board shall hold office until the first meeting of the new Board.

(2) No person shall be qualified to vote at such election if he is in arrear in respect of any fees payable by him.

(3) The votes at such election shall be given by closed voting papers, Form 1, which shall be delivered, or, if sent by mail, shall be received, at the office of the Secretary of the Col-

lege not earlier than the third Wednesday in November and not later than the second Wednesday in December in the year in which the election takes place.

(4) The manner of holding such election with respect to notification of the electors of the time and place of holding the election, the nomination of candidates, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, and other necessary details shall be determined by by-law of the Board, and in default of such by-law, may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1897, c. 178, s. 5.

7. Any member of the Board may at any time resign by notice in writing to the Secretary, and in the event of such resignation, or of a vacancy occurring by death or otherwise, the remaining members of the Board shall, from the members of the College resident in the electoral district in which the vacancy occurs, elect some fit and proper person to fill the vacancy for the remainder of the term. R.S.O. 1897, c. 178, s. 6.

8.—(1) Every newly elected Board shall hold its first meeting in the City of Toronto, on the first Monday in May or at such other time as may be fixed by the retiring Board, and the members of the Board shall hold office until the first meeting of their successors.

(2) Other meetings shall be held at such time and place as the Board appoints.

(3) Special meetings shall be called by the President on the request in writing of four members of the Board. R.S.O. 1897, c. 178, s. 7.

(4) All meetings shall continue from day to day until the business is finished; but no meeting shall continue for more than one week. R.S.O. 1897, c. 178, s. 20 (2), *part*.

OFFICERS OF BOARD.

9.—(1) Every Board shall at its first meeting elect a President, a Vice-President and a Registrar, and shall appoint a Treasurer and a Secretary, and such other officers as the Board considers necessary.

(2) The Treasurer and the Secretary shall receive such remuneration for their services as the Board may fix.

(3)

(3) The Board shall, if the President and Vice-President are absent, elect one of its members to preside at its meeting, who while so presiding shall have the same powers, and exercise the same functions as the President. R.S.O. 1897, c. 178, s. 8.

Remuneration.

10. There shall be paid to each member of the Board such fees for attendances, as shall be fixed by law, not exceeding \$20 per day, and such reasonable travelling expenses as may be allowed by the Board. R.S.O. 1897, c. 178, s. 9.

Funds payable to the Treasurer.

11. All moneys under the control of the Board shall be paid to the Treasurer, and shall be applied for the purpose of the College. R.S.O. 1897, c. 178, s. 10.

SCHOOL OF DENTISTRY.

School of Dentistry continued.

12. The School of Dentistry in the City of Toronto established by the Board is hereby continued. R.S.O. 1897, c. 178, s. 11.

Examination.

13.—(1) The Board may appoint one or more examiners for the matriculation or preliminary examination of all students entering the profession, or may accept in lieu of such matriculation or preliminary examination evidence that a student has passed any other satisfactory examination.

(2) Such examination shall be passed prior to entering into articles with a licentiate of Dental Surgery. R.S.O. 1897, c. 178, s. 12.

Curriculum for students, etc.

14.—(1) The Board may prescribe a curriculum of studies to be pursued by students, and fix and determine the period for which every student shall be articulated and employed under a duly licensed practitioner, the examination necessary to be passed and the fees to be paid to the Treasurer before a certificate of license to practise Dental Surgery is issued.

Fees.

Admission of other persons.

(2) The Board may prescribe the conditions upon which dentists residing elsewhere than in Ontario, and students and graduates from other dental colleges may be admitted to membership in the College. R.S.O. 1897, c. 178, s. 13.

Arrangements for education of students.

15. The College may, subject to the approval of the Lieutenant-Governor in Council, make arrangements with any university or college in Ontario for the attendance of students of the School of Dentistry at such lectures or classes in such university or college as may come within the course or subjects of instruction prescribed by the by-laws of the College,

College, and may, subject to such approval, agree with any such university or college, for the use of any library, museum or property belonging to, or under the control of, such university or college, and may affiliate with any such university or college, and may enter into all arrangements necessary to that end upon such terms as may be agreed upon. R.S.O. 1897, c. 178, s. 14.

16. The Board may by by-law provide that any licentiate in dentistry, being a member of the College of not less than five years' standing, shall receive the title of "Master of Dental Surgery," upon passing such examination and complying with such regulations as the Board may prescribe. R.S.O. 1897, c. 178, s. 16.

Title of M.D.S. may be conferred.

BY-LAWS OF BOARD.

17.—(1) The Board shall make such by-laws as it may deem necessary for the proper and better guidance, government, discipline and regulation of the Board, the College, the members of the College and the profession of Dental Surgery and the carrying out of the provisions of this Act, and such by-laws shall be published for two consecutive weeks in the *Ontario Gazette*, and shall not take effect until so published.

The Board to make rules, regulations, and by-laws.

(2) Such by-laws or any of them may be annulled by the Lieutenant-Governor in Council. R.S.O. 1897, c. 178, s. 17. *Amended.*

May be annulled by Lieutenant-Governor.

CERTIFICATES OF LICENSE.

18.—(1) All persons being British subjects by birth or naturalization, who were engaged on the 4th day of March, 1868, in the practice of the profession of dentistry, or, who, not having been residents of Ontario, had then had three years' experience in the practice of dentistry, shall be entitled to the certificate of "Licentiate of Dental Surgery," upon furnishing to the Board satisfactory proof of their having been so engaged, or having had such experience, passing the required examination and paying the prescribed fees.

Certificates may be granted to certain persons.

(2) All persons being British subjects by birth or naturalization, who were continuously engaged for five years and upwards in established office practice, next preceding the 4th day of March, 1868, in the practice of the profession of dentistry in Ontario shall, upon satisfactory proof thereof, and upon payment of the prescribed fees, be entitled to such certificate without passing any examination. R.S.O. 1897, c. 178, s. 18.

Annual
examina-
tions.

19.—(1) The Board once at least in every year, shall cause to be held at a time fixed by the Board, an examination of the candidates for certificates and such titles as the Board has authority to grant.

Examina-
tions oral
or in writing.

(2) At every such examination the candidates shall be examined orally or in writing or otherwise, by examiners to be appointed for that purpose by the Board, in such subjects as the Board shall prescribe.

Fees of
examiners.

(3) The examiners shall receive such remuneration as may be fixed by the Board.

Declaration
to be made
by examiners.

(4) Each examiner, shall if required, subscribe and take the following declaration:

Form of de-
claration.

"I solemnly declare that I will perform my duty of Examiner without fear, favour, affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all."

R.S.O. 1897, c. 178, s. 19.

Certificate of
License.

20.—(1) If the Board is satisfied by the examination that the candidate is duly qualified to practise the profession of Dental Surgery, and that he is a person of integrity and good moral character, it shall, subject to the by-laws, grant him a certificate of license and the title of "Licentiate of Dental Surgery," which certificate and title shall entitle him to all the rights and privileges conferred by this Act. R.S.O. 1897, c. 178, s. 21.

Designation
and title.

Annual meet-
ing for
granting
licenses.

(2) The Board shall hold at least one meeting in each year in the City of Toronto, for the purpose of granting such certificates and titles and for the transaction of such other business as may properly come before it.

R.S.O. 1897, c. 178, s. 20 (1), *part*.

Certificate to
be under the
corporate
seal. Evi-
dence.

21. Every certificate of license shall be sealed with the corporate seal of the College and signed by the President and Secretary of the Board; and the production of such certificate of license shall be *prima facie* evidence in all courts and upon all proceedings, of its execution and contents. R.S.O. 1897, c. 178, s. 22.

Return of
licenses
granted.

22. The Secretary of the Board shall, on or before the 15th day of January in each year, transmit to the Provincial Secretary a certified list of the names of all persons to whom certificates of license have been granted during the year ending on the next preceding 31st day of December. R.S.O. 1897, c. 178, s. 23.

23. Every person desirous of being examined touching his qualifications for the practice of the profession of Dental Surgery, shall, at least one month before such examination, pay to the Treasurer the prescribed fees, and deliver to the Secretary the Treasurer's receipt for the same, together with satisfactory evidence of his service under articles and compliance with the rules and regulations prescribed by the Board, and of his integrity and good morals. R.S.O. 1897, c. 178, s. 24.

Candidates
to pay fees
before ex-
amination.

ANNUAL FEES.

24.—(1) Every member of the College engaged in the practice of Dental Surgery in Ontario shall, on or before the first day of November in each year, pay to the Treasurer or to a person deputed by him to receive the same, such annual fee, not less than \$1 and not more than \$3, as may be prescribed by by-law of the Board, towards the general expenses of the College, and such fee shall be recoverable by suit in the name of the Royal College of Dental Surgeons of Ontario in the Division Court of the division in which the member in default resides.

Annual fees.

(2) For any services rendered in the practice of Dental Surgery while he is in default in respect of any annual fee a member shall not be entitled to recover in any Court. R.S.O. 1897, c. 178, s. 25 (1).

PENALTY FOR PRACTISING WITHOUT LICENSE.

25.—(1) No person who is not a member of the College shall by himself or by any other person practise the profession of Dental Surgery, or perform any dental operation upon, or prescribe any dental treatment for any person, for hire, gain or hope of reward, whether by way of fees, salary, rent, percentage of receipts or in any other form, or shall pretend to hold, or take or use any name, title, addition or description implying that he holds a certificate of license to practise Dental Surgery, or that he is a member of the College, or shall falsely represent, or use any title representing that he is a graduate of any Dental College.

No persons
to practise
without cer-
tificate, or
without au-
thority as-
sume certain
titles.

(2) Every person who contravenes any of the provisions of this section shall, for the first offence, incur a penalty not exceeding \$50, and for every subsequent offence a penalty not exceeding \$100 and he shall not be entitled to sue or recover in any Court for any services which he performed, or materials which he provided, in the ordinary and customary work of a dental surgeon.

Saving as
to student
under
supervis-
ion of
member.

(3) This section shall not prevent any duly articulated student of Dental Surgery from receiving instruction in clinics and practice under the personal supervision of a member of the College. R.S.O. 1897, c. 178, ss. 26 and 32. *Amended.*

Penalties
how recover-
able.

10 Edw. VII.,
c. 37.

(4) The penalties shall be recoverable under *The Ontario Summary Convictions Act* and shall be paid over by the convicting justice to the Treasurer of the College. R.S.O. 1897, c. 178, s. 27.

In prosecu-
tions burden
of proof to
be on de-
fendant.

26. In any prosecution under section 25, the burden of proof of qualification shall be upon the defendant. R.S.O. 1897, c. 187, s. 31, *amended.*

SUSPENSION OR CANCELLATION OF CERTIFICATE.

Power of
Board to
suspend or
cancel
certificates.

27.—(1) The Board may suspend or cancel the certificate of License of a member of the College who has been heretofore or shall hereafter be convicted in Canada or elsewhere of an indictable offence if his conviction remains unreversed, or who has been or shall be guilty of any infamous, disgraceful or improper conduct in a professional respect, but this power shall not be exercised if the conviction is for a political offence committed out of His Majesty's Dominions, or for an offence which, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to disqualify the person convicted from practising dentistry.

(2) Where a member has been guilty of infamous, disgraceful or improper conduct in a professional respect the power conferred by subsection 1 may be exercised notwithstanding that he has been acquitted of a criminal charge in respect of the same matter.

(3) The Board may of its own motion, and upon the application of any four members of the College shall, cause inquiry to be made into any case in which it is alleged that a member of the College has become liable to the suspension or cancellation of his certificate of license for any of the causes mentioned in subsection 1.

Standing
Committee
of Inquiry.

(4) The Board shall appoint and shall always maintain a Committee of its own body for the purpose of ascertaining the facts of each case which may become the subject of inquiry.

(5) The Committee shall consist of such number of members, not less than three or more than five, as the Board may prescribe, three of whom shall be a quorum.

(6) The Board may pass by-laws for determining the tenure of office of the members of the Committee and for the regulation and conduct of its proceedings.

By-laws as to tenure of office and proceedings before Council.

(7) Subject to the provisions of this section and of the by-laws of the Board, the Committee may regulate the time and place for the holding, the manner of the convening and giving notice, and the conduct of its meetings.

(8) If a vacancy occurs in the membership of the Committee the remaining members may appoint a member of the Board to fill the vacancy, and the member appointed shall hold office until the next meeting of the Board.

(9) Notwithstanding any vacancy in the Committee, so long as there are at least three members thereof, it shall be competent for the Committee to exercise all or any of its powers.

(10) The Committee may employ, at the expense of the Board, for the purposes of any inquiry, such legal or other assistance as the Committee may deem necessary.

Employment of assistance.

(11) The member whose conduct is the subject of inquiry shall have the right to be represented by counsel.

Appearance by counsel.

(12) All meetings of the Committee for taking evidence or otherwise ascertaining the facts shall be held within the county or district in which the member whose conduct is the subject of inquiry resides.

Place of meeting.

(13) At least fourteen days' notice of the meeting of the Committee for taking the evidence or otherwise ascertaining the facts shall be given to the member whose conduct is the subject of inquiry.

Notice of meeting.

(14) The notice shall contain a statement of the matter which is to form the subject of the inquiry.

(15) The testimony of the witnesses shall be taken under oath, which the Chairman or any member of the Committee may administer, and there shall be full right to cross-examine all witnesses called and to adduce evidence in defence and in reply.

Evidence on oath.

Effect of
non-appear-
ance.

(16) If the person whose conduct is the subject of the inquiry though duly notified does not attend, the Committee may proceed in his absence, and he shall not be entitled to notice of the future meetings or proceedings of the Committee.

Subpoenas.

(17) The Committee and any party to the proceedings may obtain on *præcipe* from the High Court a subpoena for the attendance of witnesses and the production of books, documents and things, and disobedience thereof shall be deemed a contempt of Court.

Witness fees.

(18) Witnesses shall be entitled to the like allowances as witnesses attending upon the trial of an action in the High Court.

Report.

(19) The Committee shall report to the Board the evidence adduced and the Committee's findings thereon.

(20) The Board may act upon the report of the Committee and may make such order thereon as the Board may deem just.

Costs.

(21) Where the complaint is found to be frivolous or vexatious, the Board may pay such costs as to it may seem just to a member whose conduct has been the subject of inquiry.

(22) Where the Board directs the certificate of license of a member to be suspended or cancelled, it may direct that the costs of and incidental to the inquiry be paid by such member, and after taxation of such costs by one of the taxing officers at Toronto, execution may issue out of the High Court for the recovery thereof in like manner as upon a judgment in an action in that Court. *New.*

No action to
be against
Board or
Committee.

28. No action shall be brought against the Board or the Committee or any member thereof for anything done in good faith under this Act on account of any want of form or irregularity in their proceedings, but a member whose certificate of license has been suspended or cancelled may at any time within six months from the date of the decision of the Board appeal from the decision of the Board to a Divisional Court of the High Court. *New.*

Appeal from
decision of
Board.

Practice and
procedure on
appeal.
10 Edw. VII.
c. 30.

29. The practice and procedure upon and in relation to an appeal shall be similar to that provided by *The County Courts Act* as to appeals from the County Court except that the appeal shall be set down for argument at the first sittings of a Divisional Court which commences after the expiration of six months from the date of the decision complained of, and except that the proceedings and evidence shall be certified by the Registrar to the High Court. *New.*

30. The Board may direct the restoration of the certificate of license of any member whose certificate has been cancelled under the powers conferred by this Act, upon such terms and conditions as the Board may deem just. *New.* Restoration
of certificate.

31. Nothing in this Act shall affect or interfere with the rights and privileges conferred upon legally qualified medical practitioners by *The Ontario Medical Act*. R.S.O. 1897, c. 178, s. 33. This act not
to interfere
with regis-
tered medi-
cal practi-
tioners.

32. Chapter 178 of the Revised Statutes of Ontario, 1897, is repealed. Repeal.

SCHEDULE "A."

ELECTORAL DISTRICTS.

Electoral District No. 1 shall be composed of the following counties:—Addington, Carleton, Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Lennox, Prescott, Russell, Renfrew and Stormont.

Electoral District No. 2 shall consist of the following districts and counties:—Algoma, Durham, Haliburton, Hastings, Kenora, Manitoulin, Muskoka, Nipissing, Northumberland, Ontario, Prince Edward, Parry Sound, Peterborough, Rainy River, Sudbury, Thunder Bay, Victoria and York except the city of Toronto.

Electoral District No. 3 shall consist of the City of Toronto.

Electoral District No. 4 shall consist of the following counties:—Halton, Dufferin, Lincoln, Peel, Simcoe, Wentworth and Welland.

Electoral District No. 5 shall consist of the following counties:—Brant, Elgin, Haldimand, Norfolk, Oxford and Waterloo.

Electoral District No. 6 shall consist of the following counties:—Bruce, Grey, Huron and Wellington.

Electoral District No. 7 shall consist of the following counties:—Essex, Kent, Lambton, Middlesex and Perth.

R.S.O. 1897, c. 178, Sched. A.

FORM 1.

VOTING PAPER.

Election 19 .

Electoral District No.

I, _____ of the _____ of _____
in the county or district of _____ member of the
Royal College of Dental Surgeons of Ontario, declare:—

1. That the signature affixed hereto is my proper handwriting.

2.

2. That I am a voter in the Electoral District No. and that I vote for of the of in the county or district of a member of the Royal College of Dental Surgeons of Ontario and an elector in said Electoral District to be a member of the Board of Directors of the College for the said district.

3. That I have not in this election signed any other voting paper and that this voting paper was executed on the day of the date thereof.

Witness my hand this day of 19 .

R.S.O. 1897, c. 178, Sched. B.

CHAPTER 40.

An Act respecting Pharmacy.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	CERTIFICATE TO BE DISPLAYED, s. 24.
ONTARIO COLLEGE OF PHARMACY CONTINUED, s. 2.	RETIRING FROM BUSINESS, s. 25.
POWER TO HOLD REAL ESTATE, s. 3.	DEATH, s. 26.
PHARMACEUTICAL COUNCIL, ss. 4-10.	PREPARATION OF COMPOUNDS, s. 27.
EXAMINATION OF CANDIDATES FOR CERTIFICATES OF COMPETENCY, ss. 11-13.	SALE OF POISONS, ss. 28-34.
WHO MAY APPLY FOR CERTIFICATE, s. 14.	OFFENCES AND PENALTIES, ss. 35-39.
PRELIMINARY EXAMINATIONS, s. 15.	MEDICAL PRACTITIONERS, ETC., NOT AFFECTED BY THIS ACT, s. 40.
REGISTRATION OF QUALIFIED PERSONS, ss. 16-23.	SALES TO CHEMISTS, ETC., NOT AFFECTED, s. 41.
	PATENT MEDICINES, s. 42.
	HONORARY MEMBERS, s. 43.
	DIVISION ASSOCIATIONS, s. 44.
	REPEAL, s. 45.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Pharmacy Act*. R.S.O. Short title. 1897, c. 179, s. 1.

2. The Ontario College of Pharmacy, hereinafter called ^{Ontario} "the College," is hereby continued. R.S.O. 1897, c. 179, ^{College of} Pharmacy continued. s. 2.

3. The College may purchase, take and possess for the ^{Power to} purposes of the College, but for no other purpose, and after ^{hold real} acquiring the same, may sell, mortgage, lease or dispose of ^{estate.} any real estate. *New.*

PHARMACEUTICAL COUNCIL.

4.—(1) There shall be a Council of the College to be ^{Council of} called the Pharmaceutical Council, hereinafter called "The ^{whom} Council" which shall consist of thirteen members, who shall be elected as hereinafter provided, and shall hold office for two years.

(2) The Council shall, subject to the by-laws thereof, have sole control of the real and personal property of the College, and authority to grant certificates of competency to conduct the business of a chemist or druggist, and to be registered subject to the provisions of this Act.

(3) The members of the council shall be elected from among those members of the College who are actively engaged on their own account, and as proprietors, in the occupation of Pharmaceutical Chemists, whether carrying on business as retail, wholesale, or manufacturing chemists, and who reside in Ontario. R.S.O. 1897, c. 179, s. 4.

Electoral
divisions.

5.—(1) The Province of Ontario shall, for the purposes of this Act, be divided into thirteen Electoral Districts described in Schedule "B." *New.*

Re-arrange-
ment of.

(2) The Council may re-arrange the geographical boundaries of the Electoral Districts by by-law, approved of by the Lieutenant-Governor in Council, but such re-arrangement shall not be made more often than once in ten years. R.S.O. 1897, c. 179, s. 5 (3).

Subsequent
elections.

6. An election of members of the Council shall be held on the first Wednesday in August in every second year, and the persons qualified to vote at the election shall be such persons as are members of the College, and are liable to pay the annual fee under this Act. R.S.O. 1897, c. 176, s. 7; 5 Edw. VII. c. 16, s. 3.

Members of
Council to be
residents of
electoral
district.

7.—(1) One member of the Council shall be elected for each Electoral District by the members of the College, resident in such District and he shall be a person carrying on the business of a chemist or druggist therein.

(2) The manner of holding such election, with respect to notification of the electors of the time and place of holding the election, the nomination of candidates, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, and other necessary details shall be determined by by-law of the Council, and in default of such by-law may be prescribed by the Lieutenant-Governor in Council. *New.*

Resignation
of members,
and vacancy
how filled.

8. A member of the Council may at any time resign by notice in writing to the Registrar of the College; and in the event of such resignation or in the event of a vacancy occurring, the remaining members of the Council shall appoint a member of the College carrying on business in the Electoral

District

District in the representation of which the vacancy occurs, to fill the same. R.S.O. 1897, c. 179, s. 6; 5 Edw. VII. c. 16, s. 2.

9. The Council shall, at their first meeting, elect from among themselves a President and a Vice-President, and shall appoint a Registrar and such other officers as the Council may consider necessary. R.S.O. 1897, c. 179, s. 8.

10.—(1) The Council shall hold at least two meetings for the transaction of general business in every year, on the first Monday in June, and the third Monday in November, at such places as they may by resolution appoint.

(2) Unless otherwise provided by by-law of the council notice of such two meetings shall be given once a week for at least four weeks in the *Ontario Gazette*, and in at least two newspapers published in the City of Toronto. R.S.O. 1897, c. 179, s. 9; 63 V. c. 21, s. 1; 5 Edw. VII. c. 16, s. 4.

POWERS OF COUNCIL.

11.—(1) The Council may establish and carry on a school of instruction and appoint such professors, lecturers, instructors, officers, servants and employees therefor as may be deemed necessary.

(2) The school now established and carried on by the Council in the City of Toronto may be continued. *New.*

12.—(1) Subject to the disallowance thereof by the Lieutenant-Governor in Council, the Council may prescribe the subjects upon which candidates for certificates of competency shall be examined, and a curriculum of studies to be pursued by the students, establish a scale of fees, not to exceed \$10, to be paid by persons applying for examination, make by-laws, rules and orders, for the regulation of its own meetings and proceedings and those of the College, and for the discipline, suspension or expulsion for cause of any student, and for the remuneration and appointment of examiners and officers of the College, for defining the duties of such examiners and officers, for the payment of remuneration or indemnity to the members of the Council, for attending its meetings or upon the business of the College, and in respect to any other matters which the Council may deem requisite for the carrying out of this Act. R.S.O. 1897, c. 179, s. 10 (1); 5 Edw. VII. c. 16, s. 5.

(2)

Allowances
to members.

(2) Not more than five cents per mile for travelling expenses, or more than \$5 per diem for such days as a member is in actual attendance at a meeting of the Council or at any meeting mentioned in subsection 3 or upon the business of the College, including going to and returning therefrom, shall be allowed to him for such expenses and remuneration. R.S.O. 1897, c. 179, s. 10 (2); 5 Edw. VII. c. 16, s. 6.

Appointment
of representa-
tive to
attend Inter-
Provincial
Associations.

(3) The Council may appoint, from time to time, one or more representatives to attend meetings of Inter-Provincial or other Pharmaceutical Associations, and may pay out of the College funds to any one or more of such Associations, such sums as it may deem proper. 10 Edw. VII. c. 78, s. 1.

Who may
examine.

13. The examinations of the College may be conducted by the members of the Council, or by persons appointed by the Council. R.S.O. 1897, c. 179, s. 11.

WHO MAY APPLY FOR CERTIFICATES.

Qualification
of candidates
for certifi-
cates of
competency.

14.—(1) Subject to the rules, regulations and by-laws, the following persons and no others may be admitted as candidates for certificates of competency:

(a) Any person who was registered as an apprentice prior to the 23rd day of March, 1889, and who furnishes to the Council satisfactory evidence of having, in pursuance of a binding contract in writing for that purpose, served as an apprentice to a regularly qualified pharmaceutical chemist for a term of not less than three years;

(b) Any person of the full age of twenty-one years registered as an apprentice on or after the 23rd day of March, 1889, who furnishes to the Council satisfactory evidence of having so served as an apprentice for a term of not less than four years and who has attended two courses of lectures at the School, comprising pharmacy, practical pharmacy, chemistry, practical chemistry, materia medica, botany and reading and dispensing prescriptions. R.S.O. 1897, c. 179, s. 12 (1); 5 Edw. VII. c. 16, s. 7.

(2) The period occupied in attending the first of the two courses of lectures may be counted as part of the term of apprenticeship.

(3)

(3) If any person, by reason of the death, failure in business, or removal of his employer, or from any other cause satisfactory to the Council, is unable to complete his term of apprenticeship, he may enter into a new contract to complete the remainder of his unfulfilled term with any other regularly qualified pharmaceutical chemist. R.S.O. 1897, c. 179, s. 12 (2-4).

(4) Nothing in this section shall apply to any person who had, prior to the 25th day of March, 1884, begun his apprenticeship with a regularly qualified pharmaceutical chemist without such binding contract in writing. R.S.O. 1897, c. 179, s. 12 (2-4).

PRELIMINARY EXAMINATIONS.

15.—(1) Every person desirous of becoming apprenticed shall, before the term of his apprenticeship begins, send to the Registrar the sum of \$1 together with a certificate of the Department of Education or of a University or College within Ontario, or other evidence satisfactory to the Council, showing that the applicant has passed an examination as required for university matriculation in arithmetic, algebra, English history, Canadian history, English grammar, and composition and Latin. Matriculation, requirements as to.

(2) The Council may make such changes in the subjects mentioned in the next preceding subsection as it may deem necessary in order to comply with the requirements of the Department of Education. 63 V. c. 21, s. 2. Power to change curriculum as to matriculation.

(3) If an applicant has failed to obtain pass standing in not more than two subjects he may be apprenticed and registered, and his term of apprenticeship shall then begin: provided that he completes his matriculation by passing in such two subjects at any subsequent examination before entering on the first course of lectures at the School. *New.* Extended time for passing in two subjects.

(4) Except as to the fee payable, this section shall not apply to matriculants in arts or medicine in any British or Colonial University or College, or the holders of senior leaving or junior leaving certificates issued by the Department of Education, or to persons who produce evidence of having passed an examination at least equal in point of standard to that of the latter. 63 V. c. 21, s. 2. Exception as to application of section.

(5) Upon complying with the provisions of this section the applicant shall be entitled to be registered as an apprentice. *New.*

REGISTRATION.

Register,
how kept.

16. The Registrar shall keep a register, Form 1, of all persons entitled to be registered as pharmaceutical chemists under this Act, and shall enter opposite the names of all registered persons who have died, a statement of that fact, and shall make all necessary alterations in the addresses of persons registered, and shall cause to be printed and published on or before the fifteenth day of June of each year, an alphabetical list of the members who were on the first day of June of that year entitled to carry on business as pharmaceutical chemists. R.S.O. 1897, c. 179, s. 14.

Entry on
the roll.

17. Any person who has passed the prescribed examination to the satisfaction of the Council, shall be entered upon the register, and shall become a member of the College. R.S.O. 1897, c. 179, s. 15.

Persons
holding
diplomas
from other
societies may
be registered.

18. All persons approved of by the Council who hold diplomas from the Pharmaceutical Society of Great Britain, or certificates from any Pharmaceutical College in the Dominion of Canada or elsewhere, may be registered as members of the College without the examination prescribed by this Act. R.S.O. 1897, c. 179, s. 16.

Who may be
entered on
the register.

Appeal from
decision of
the registrar.

Fraudulent
or incorrect
entries may
be erased.

19. No name shall be entered in the register unless the Registrar is satisfied by proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the Registrar shall be decided by the Council; and any entry proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased from or amended in the register by order of the Council. R.S.O. 1897, c. 179, s. 17.

Certificate
to be
granted on
registration.

20. Upon a person being registered, he shall be entitled to receive a certificate, Form 2, under the corporate seal of the College, and signed by the Registrar, and such certificate shall be *prima facie* evidence in all courts, and upon all proceedings of whatever kind of its execution and contents. R.S.O. 1897, c. 179, s. 18.

Fees.

21.—(1) There shall be payable to the Registrar, for the uses of the College, on the first day of May of each year, or such other day as the Council may fix by by-law, by every person registered and carrying on business as a pharmaceutical chemist, and by every registered director and registered manager of an incorporated company carrying on the business

ness of a pharmaceutical chemist, such sum not exceeding \$4 as may be determined by by-laws of the Council, and if such person or incorporated company carries on business in more than one shop, each such person and his registered manager and each registered director and registered manager of such incorporated company shall pay a further sum not exceeding \$4, as provided by the by-laws of the Council, for each additional place of business carried on.

(2) No person shall manage or have charge of any such additional place of business unless he is registered as a pharmaceutical chemist. R.S.O. 1897, c. 179, s. 19; 5 Edw. VII. c. 16, s. 8.

22. Any person registered under section 17, and no other person, shall be entitled to be called a pharmaceutical chemist, and no person except a pharmaceutical chemist, or his registered apprentice, shall compound prescriptions of medical practitioners; but no person shall be entitled to any of the privileges of a pharmaceutical chemist, or of a member of the College, who is in default in respect to any fees payable by him by virtue of this Act. R.S.O. 1897, c. 179, s. 20.

Who alone may act as Pharmaceutical Chemist.

23. Upon a resolution of the Council being passed declaring that any person in consequence of his conviction of a crime or of an offence against this Act, is, in the opinion of the Council, unfit to be on the register, the Lieutenant-Governor in Council may direct that the name of such person shall be erased from the register, and the Registrar shall erase the same accordingly. R.S.O. 1897, c. 179, s. 21.

Erasing name of member on conviction of offence.

24. Every pharmaceutical chemist carrying on business on his own account and every manager of each additional place of business shall display his certificate in a conspicuous position in his place of business, or the place of business which he manages. R.S.O. 1897, c. 179, s. 22.

Certificate to be publicly displayed.

25. Every person registered as a pharmaceutical chemist shall, on retiring from business, give the Registrar notice in writing of the same, and his name shall be erased from the register, and he shall cease to enjoy any of the privileges of the College, and in default of such notice he shall remain liable for his annual registration fee; but any such person may resume business at any time after retiring therefrom upon giving notice in writing to the Registrar of his intention so to do, and upon payment of the annual registration fee for the then current year. R.S.O. 1897, c. 179, s. 23.

Person retiring from business to notify Registrar.

Executors
may carry
on business
of deceased
chemist, etc.

26. Nothing in this Act shall prevent the executor or administrator or the trustee of the estate of any person legally authorized to carry on and actually carrying on the business of a pharmaceutical chemist at the time of his death, from continuing the business so long only as it is *bona fide* conducted by a pharmaceutical chemist registered under this Act, if such executor, administrator or trustee continues to pay the annual registration fee. R.S.O. 1897, c. 179, s. 24.

PREPARATION OF COMPOUNDS.

How com-
pounds are
to be
prepared.

27. Unless the label distinctly shews that the compound is prepared according to another formula, every compound named in the British Pharmacopœia shall be prepared according to the formula directed in the latest edition published "by authority" until the College of Physicians and Surgeons of Ontario selects another standard and thereafter according to such standard. R.S.O. 1897, c. 179, s. 25.

SALE OF POISONS.

Restriction
on sale of
poisons, etc.,
and on the assump-
tion of
certain
titles.

28. No person shall,

- (a) Sell or keep open shop for retailing, dispensing or compounding poisons, drugs or medicines except patent or proprietary medicines, (subject to section 42) and except turpentine, epsom salts, senna, alum, borax, castor oil, sulphur, glauher's salt, cream of tartar, carbonate of soda, bi-carbonate of soda, glycerine, carbonate of magnesia, citrate of magnesia, rochelle salts, blue stone, copperas, saltpetre, spirits of nitre, rhubarb root, solution of ammonia, phosphate of soda, gum camphor, quinine, or chloride of lime, or sell or attempt to sell any of the articles mentioned in Schedule A, or
- (b) Assume or use the title of "Chemist and Druggist," or "Chemist," or "Druggist," or "Pharmacist," or "Apothecary," or "Dispensing Chemist," or "Dispensing Druggist," or any sign, title or advertisement, implying or calculated to lead the public to infer that he is registered under this Act,

unless such person is registered under this Act, and has a certificate under section 20. R.S.O. 1897, c. 179, s. 26, *part*; 5 Edw. VII. c. 16, s. 9; 9 Edw. VII. c. 64, s. 1.

29. No incorporated company shall do any of the acts prohibited by the next preceding section, unless a majority of the directors thereof are duly registered under this Act, and unless one of such directors personally manages and conducts such open shop, and has his name and certificate displayed in a conspicuous position therein, and no person not so registered shall in any way interfere with or take part in the management and conduct of such shop, and anything done or omitted which would be an offence under this Act if done or omitted by an individual shall be an offence by each of such registered directors, and by such company, and the prosecution of any one or more of them shall not be a bar to the prosecution of the other or others. 6 Edw. VII. c. 25, s. 1. Shops kept by incorporated companies

30.—(1) Nothing in this Act shall prevent the sale, by persons not registered, of paris green, hellebore, tincture of iodine, arsenate of lead, carbolic acid, not exceeding a five per cent. solution, and London purple, if such articles are sold in well secured packages distinctly labelled with the name and address of the person preparing or putting up such packages and marked "poison." R.S.O. 1897, c. 179, s. 26, *part*; 9 Edw. VII. c. 64, s. 2. Certain poisons may be sold by any person if marked "poison."

(2) A record shall be kept by the vendor in a book for that purpose of the name and address of each person to whom the carbolic acid is sold. 9 Edw. VII. c. 64, s. 2. Entry of sale of carbolic acid.

31.—(1) No person or incorporated company shall sell by retail, furnish or dispose of alkaloid cocaine or its salts or alpha or beta eucane or their salts or any admixture of cocaine or eucane except upon the written prescription of a legally qualified medical practitioner, which shall be retained by the person who sells, furnishes or disposes of the same, and a record of the prescription shall be kept in a book which shall contain the name of the physician, the number of the prescription, the quantity sold, the name of the person for whom prescribed or supplied, and the date of the sale. Sale of cocaine, etc., except upon prescription prohibited.

(2) The prescription shall not be filled more than once and no copy thereof shall be taken by or given to any person by the person who has the custody or control thereof. Prescription not to be filled more than once.

(3) Alkaloid cocaine or its salts and alpha and beta eucane or their salts, or any admixture thereof, shall not be sold or disposed of by wholesale except upon the written order of a pharmaceutical chemist, a legally qualified medical practitioner, a licensed veterinary surgeon or a licentiate of dental surgery and unless the person so selling Wholesaler not to sell except to pharmaceutical chemist.

or disposing by wholesale affixes or causes to be affixed to the bottle, box, vessel or package containing the articles sold and also upon the outer wrapper of the package as put up by the manufacturer a label distinctly displaying the name and quantity of cocaine or its salts or alpha or beta eucane or its salts, sold or disposed of and the word "poison" with the name, address and place of business of such person, all printed in red ink.

Record of
sales to be
kept by
vendor.

(4) The person or incorporated company who so sells or disposes by wholesale shall before delivering any of such articles make or cause to be made in a book kept for that purpose an entry of the sale or disposal thereof stating the date of sale or disposal, the quantity, name and terms in which the sale or disposition was made, the name in full and the address of the person to whom the sale or disposal was made, and the name of the person by whom the entry was made, and the books shall be preserved for at least five years after the date of the last entry made therein. 8 Edw. VII. c. 40, s. 1.

Certain
articles to
be deemed
poisons.

32. The articles mentioned in Schedule A shall be deemed to be poisons within the meaning of this Act, and the Council may by resolution declare that any article in the resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the Council shall submit the resolution for the approval of the Lieutenant-Governor in Council, and if approved, such resolution and the approval thereof, shall be published in the *Ontario Gazette*, and on the expiration of one month from such publication the article named in the resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions thereof, or such of them as may be directed by the Lieutenant-Governor in Council. R. S.O. 1897, c. 179, s. 27.

Certain
poisons
to be sold
only in a
certain
manner.

Regulations
to be ob-
served in
the sale of
poisons.

33.—(1) No person or incorporated company shall sell any poison, either by wholesale or retail, unless the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly labelled with the name of the article and the word "poison" and if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold; and no person shall sell any poison of those which are in the first part of Schedule A or may hereafter be added thereto under section 32 to any person unknown to the seller unless introduced by some person known to the seller, and on every sale of any such article the person actually selling the same shall, before delivery, make

make an entry, Form 2, in a book to be kept for that purpose stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person who introduced him, to which entry the signature of the purchaser shall be affixed. R.S.O. 1897, c. 179, s. 28.

(2) Nothing in this section shall apply to any article when forming part of the ingredients of any medicine prescribed by a legally qualified medical practitioner if the medicine is labelled with the name and address of the seller and the ingredients thereof are entered with the name of the person to whom it is sold or delivered in a book to be kept for that purpose. *New.*

Imp.
Act 31 and
32 V., c. 121,
s. 17.

34. Any book by this Act required to be kept shall be open to inspection by any Police Officer or Constable, or any authorized agent of the College. *New.* See 8 Edw. VII. c. 40, s. 1 (4).

Books to be
open to in-
spection by
constables
and agent
of college.

OFFENCES AND PENALTIES.

35. The prohibitions, restrictions and provisions contained in this Act as to selling poisons shall extend to exhibiting or offering for sale, or giving, furnishing or otherwise disposing of them. *New.*

Selling to
include
giving, fur-
nishing or
disposing of
poisons.

36. No person shall wilfully or knowingly sell any article under the representation or pretence that it is a particular drug or medicine which it is not, and any person so doing in addition to any other penalty to which he may be liable shall incur the penalty prescribed by section 37. R. S.O. 1897, c. 179, s. 29.

Penalties
on wrongful
sales.

37. Any person who contravenes any of the provisions of this Act, shall for the first offence incur a penalty of \$20, and for each offence committed subsequent to such conviction, a penalty of \$50 recoverable under *The Ontario Summary Convictions Act*, and one half shall be paid over by the convicting justice to the prosecutor and the other half to the Registrar for the use of the College. R.S.O. 1897, c. 179, s. 30.

Penalties
for infringe-
ment of
this Act.

10 Edw.
VII., c. 37.

38. In any prosecution under this Act the burden shall rest on the defendant to prove that he is registered and holds a certificate under this Act, and to give evidence sufficient *prima facie* to prove that no unregistered person who personally takes any part in selling or dispensing drugs or medicines is interested with him in his sales thereof. R.S.O. 1897, c. 179, s. 31.

Proof by
defendant
on prose-
cution.

Price of articles sold contrary to this Act not to be recovered.

39. A person who sells any article in violation of the provisions of this Act shall not be entitled to recover any charges in respect thereof. R.S.O. 1897, c. 179, s. 32.

ACT NOT TO AFFECT MEDICAL PRACTITIONERS.

Act not to apply to medical practitioners, etc.

Proviso.

Rev. Stat. c. 176.

40. Nothing in this Act shall affect or interfere with the rights and privileges conferred upon legally qualified medical practitioners by *The Ontario Medical Act*, Provided that where such medical practitioner desires to carry on the business of a Pharmaceutical Chemist as defined by this Act, he shall not be required to pass the examination prescribed by the College, but he shall register as a Pharmaceutical Chemist, and comply with all other requirements of this Act. R.S.O. 1897, c. 179, s. 33, *part*.

Sales to chemists, etc., not affected.

41. Nothing in this Act shall prevent any person from selling goods of any kind to a pharmaceutical chemist or to a legally qualified medical practitioner or to a veterinary surgeon, or shall prevent a legally qualified medical practitioner or a veterinary surgeon from supplying such medicine as he may prescribe, or, except as provided by section 31, shall interfere with the business of wholesale dealers in supplying poisons, or other articles in the ordinary course of wholesale dealing. R.S.O. 1897, c. 179, s. 33, *part*.

Selling patent medicines.

42.—(1) Nothing in this Act shall interfere with or affect the making or dealing in patent or proprietary medicines, except as in this section provided.

(2) The Provincial Board of Health may if in its opinion there is reason to apprehend that any such medicine contains any poison mentioned in Schedule A in such quantity as renders its use in the doses prescribed prejudicial to health or dangerous to life, may cause an analysis of such medicine to be made by an analyst or other competent person appointed by the Lieutenant-Governor in Council.

(3) If on such analysis it is reported that the medicine contains any of such poisons in a quantity which renders its use in the doses prescribed prejudicial to health or dangerous to life, the Board may give notice to the manufacturer or proprietor of the medicine, or to his agent or representative in Ontario of the result of the analysis, and shall name a convenient time and place at which the manufacturer or proprietor may be heard before the Board in opposition to the report.

(4) If the Board is of the opinion that the medicine is in the doses prescribed prejudicial to health or dangerous to life, the Board shall transmit to the Provincial Secretary the report of the analysis, and the objections, if any, made
to

to the same by the manufacturer or proprietor, and their own report thereon, and if the Lieutenant-Governor in Council approves of the report of the Board notice thereof may be given in the *Ontario Gazette*, and after such notice, the provisions of this Act with regard to poisons shall apply to such patent or proprietary medicines whether sold by persons registered in pursuance of this Act, or by others. R.S.O. 1897, c. 179, s. 34.

HONORARY MEMBERS.

43. The Council may elect as honorary members of the college such persons as they may deem eminent for scientific attainments, but no such honorary members shall be entitled to vote at elections or carry on the business of pharmaceutical chemists, unless registered as pharmaceutical chemists. R.S.O. 1897, c. 179, s. 35.

DIVISION-ASSOCIATIONS.

44. In each of the Electoral Districts there may be established a Division Association which may be called the "Division Association" of such district, of which every member of the College residing in such district shall be a member, and each representative in the Council shall be *ex-officio* Chairman of such Division Association. R.S.O. 1897, c. 179, s. 36.

45. Chapter 179 of the Revised Statutes of Ontario, 1897 and chapter 21 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chapter 16 of the Acts passed in the 5th year, chapter 25 of the Acts passed in the 6th year, chapter 64 of the Acts passed in the 9th year, and chapter 78 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh are repealed.

[As to the sale of liquor for medicinal purposes see The Liquor License Act. R.S.O. c. 245, s. 52.]

SCHEDULE A.

PART I.

Acid, Hydrocyanic (Prussic),	Digitalin,
Aconite, and preparations and compounds thereof,	Ergot, and preparations and compounds thereof,
Antimony, Tartarated (Tartar Emetic),	Indian Hemp,
Arsenic, and preparations and compounds thereof, except Paris Green,	Mercury Bichloride (Corrosive Sublimate),
Atropine,	Morphine and its Salts and solutions,
Carbolic Acid, exceeding a five per cent. solution,	Nux Vomica.
Chloral Hydrate,	Oil of Cedar,
Cocaine, and its preparations,	Savin and all preparations thereof.
	Strychnine and its salts.
	Veratrine.

PART

PART II.

Acetanilide (Antifebrin),	Mercury and preparations,
Acid, Oxalic,	Oil of Bitter Almonds,
Antimony, preparations of,	Oil of Pennyroyal and preparations,
Antipyrine,	Oil of Tansy,
Belladonna, and preparations	Opium and preparations and
and compounds thereof.	compounds thereof, including
Calabar Beans,	laudanum, but not paregoric.
Cantharides,	Phenacetin,
Chloroform.	Phosphorus in a free state,
Columnian spirits.	Pink Root,
Conium and preparations there-	Podophyllin (Resin Podo-
of,	phyllin),
Cotton Root and preparations	Potassium Bromide,
thereof.	Potassium Cyanide,
Cocculus Indicus (Fish Berry),	Potassium Iodide,
Creosote,	Rue and all preparations,
Croton Oil and Seeds,	St. Ignatius Beans,
Elaterium,	Santonin,
Ether,	Sabadilla Seeds,
Euphorbium,	Scammony,
Formaldehyde (Formalin),	Sulfonal,
Goulard's Extract,	Trional,
Hyoscyamus and preparations,	Valerian,
Iodine and preparations,	Verdigris,
	Zinc, Sulphate,

R.S.O. 1897, c. 179, Sched. A.; 9 Edw. VII. c. 64, s. 3; 10 Edw. VII. c. 26, s. 19.

(See Order-in-Council dated June 7, 1907.)

FORM I.

REGISTER.

Name.	Residence	Qualifications.	Remarks.
A. B.	Kingston.	In business for three years prior to (date)	Dead.
C. D.	Toronto.	Examined and Certi- fied, (date)	Erased by order of the Lieut.- Gov., (date).
E. F.	London	Served apprenticeship and as assistant.	

R.S.O. 1897, c. 179, Sched. B.

FORM

FORM 2.

ENTRY OF SALE.

Date.	Name of purchaser.	Name and quantity of poison sold.	Purpose for which it is required.	Signature of purchaser.	Address of purchaser.	Name of person introducing purchaser.	Name of medical practitioner on whose prescription furnished.

R.S.O. 1897, c. 179, Sched. C.

FORM 3.

CERTIFICATE OF REGISTRATION.

I hereby certify that *C. D.* having complied with the requirements of *The Pharmacy Act*, was on the day of , A.D. 19 , duly registered as a Pharmaceutical Chemist, and is authorized to carry on the business of Chemist and Druggist in the Province of Ontario, from the day of 19 , to the day of , 19 .

*R. F.**Registrar of the Ontario College of Pharmacy.*

[Corporate Seal]

R.S.O. 1897, c. 179, Sched. D.

SCHEDULE B.

ELECTORAL DISTRICTS.

No. 1 Division.—The Counties of Glengarry, Prescott, Stormont, Russell, Renfrew, Dundas, Carleton, Lanark and Grenville.

No. 2 Division.—The Counties of Leeds, Frontenac, Lennox and Addington, Prince Edward and Hastings.

No. 3 Division.—The Counties of Northumberland, Durham, Peterborough, Victoria, Haliburton and Ontario.

No. 4 Division.—That portion of the City of Toronto east of Spadina Avenue and Spadina Road.

No. 5 Division.—That portion of the City of Toronto west of Spadina Avenue and Spadina Road.

No.

No. 6 Division.—The Counties of Simcoe and York and the Districts of Parry Sound and Muskoka.

No. 7 Division.—The Counties of Wellington, Halton, Peel, Dufferin and Perth.

No. 8 Division.—The Counties of Wentworth, Lincoln and Welland.

No. 9 Division.—The Counties of Brant, Waterloo, Haldimand and Norfolk.

No. 10 Division.—The Districts of Rainy River, Thunder Bay, Algoma, Nipissing, Sudbury, Kenora and Manitoulin.

No. 11 Division.—The Counties of Elgin, Middlesex and Oxford.

No. 12 Division.—The Counties of Huron, Grey and Bruce.

No. 13 Division.—The Counties of Lambton, Kent and Essex

CHAPTER 41.

An Act respecting Land Surveyors.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	EXAMINATION OF CANDIDATES FOR ADMISSION TO PRACTICE, ss. 32-34.
INTERPRETATION, s. 2.	SECURITY, s. 35.
WHO ONLY MAY ACT AS LAND SUR- VEYORS, s. 3.	OATH OF ALLEGIANCE AND OF OFFICE, s. 36.
ASSOCIATION OF ONTARIO LAND SURVEYORS, s. 4.	SUSPENSION OF SURVEYORS, s. 37.
POWERS OF, ss. 5, 7.	ATTENDANCE OF WITNESSES, s. 38.
ANNUAL MEETING, s. 9.	FEES TO ASSOCIATION, s. 39.
COUNCIL OF MANAGEMENT AND OFFICERS, ss. 8-15.	WITNESS FEES, s. 40.
QUALIFICATION OF VOTERS AND OFFICERS, s. 16.	REGISTER OF PERSONS ENTITLED, ss. 41-43.
TERM OF OFFICE, s. 17.	PUBLICATION OF ANNUAL REGISTER, s. 44.
DISPUTED ELECTIONS, s. 18.	FRAUDULENT REGISTRATION, ss. 45, 46.
BOARD OF EXAMINERS, ss. 19-21.	RECOVERY OF FEES AND PENAL- TIES, s. 47.
ADMISSION OF APPRENTICES, ss. 22-24.	NOTICES AND DOCUMENTS, s. 48.
QUALIFICATION FOR ADMISSION TO PRACTICE, ss. 25-28.	APPLICATION AND INVESTMENT OF FUNDS, s. 49.
TRANSFER OF APPRENTICES, s. 29-30	ACCOUNTS TO BE KEPT AND AUDIT- ED, s. 50.
INSTRUMENTS OF APPRENTICESHIP TO BE FILED, s. 31.	REPEAL, s. 51.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Ontario Land Surveyors Act*. R.S.O., 1897, c. 180, s. 1. Short title.

INTERPRETATION.

2. In this Act,

Interpreta-
tion.

- (a) "Minister" shall mean the Minister of Lands, "Minister."
Forests and Mines.
- (b) "Surveyor" shall mean Ontario Land Surveyor. "Ontario
R.S.O., 1897, c. 180, s. 2. Land Sur-
veyor."

REGISTRATION OF LAND SURVEYORS.

- 3.—(1) No person shall act as a surveyor of land in who may
Ontario unless duly authorized to practise as a land surveyor act as land
12s according

according to the provisions of this Act, or so authorized before the passing thereof, according to the laws then in force, and unless registered under the provisions of this Act.

(2) Any person who contravenes this section shall incur a penalty of \$40. R.S.O., 1897, c. 180, s. 3.

ASSOCIATION OF ONTARIO LAND SURVEYORS.

Association
of Ontario
Land
Surveyors.

4.—(1) The Association of Ontario Land Surveyors hereinafter called "the Association" is hereby continued; and all persons who are now members of the Association shall continue to be members thereof subject to the by-laws of the Association and the provisions of this Act.

(2) All persons duly authorized to practise as land surveyors shall, upon becoming duly registered as hereinafter provided, become members of the Association. R.S.O., 1897, c. 180, s. 4.

Powers as
to real
estate.

5. The Association may purchase, take and possess for the purposes of the Association, but for no other purpose, and after acquiring the same may sell, mortgage, lease or dispose of any real estate. *New.*

Fines and
fees.

6. All fines and fees payable under this Act, or under any by-law of the Association, shall belong to the Association. R.S.O., 1897, c. 180, s. 5.

By-laws.

7.—(1) The Association may pass by-laws for—

(a) The government, discipline and honour of its members;

(b) The management of its property;

(c) The examination and admission of candidates for the study or practice of the profession; and

(d) All such other purposes as may be necessary for carrying out the objects of the Association.

(2) All by-laws shall be passed by the council hereinafter provided for, and shall be ratified by the Association at the next annual general meeting, or at a special general meeting, called for the purpose. R.S.O., 1897, c. 180, s. 6.

Council
Manage-
ment.

8.—(1) There shall be a Council of Management of the Association, hereinafter called "the Council," consisting of the Minister, the President and the Vice-President of the Association,

Association, and six other elective members, to be elected and hold office as hereinafter provided.

(2) The Council shall elect annually one of its members as its Chairman, and shall appoint from amongst the members of the Association such other officers as may be deemed necessary for carrying out the objects of this Act, who shall hold office during the pleasure of the Council. R.S.O., 1897, c. 180, s. 7.

9.—(1) The annual general meeting of the Association shall be held in the City of Toronto on the third Tuesday of ^{Annual general meeting.} February in each year, at such place as the Council may appoint.

(2) Notice of such meeting shall be given by the Secretary-Treasurer to each member of the Association by letter posted to his registered address at least ten days before such meeting. R.S.O., 1897, c. 180, s. 18.

10.—(1) The members of the Association shall elect ^{Officers.} annually from amongst their number a President, Vice-President, Secretary-Treasurer, two Auditors and two members of the Council, and the Secretary-Treasurer shall also act as Secretary of the Board of Examiners.

(2) The President, Vice-President, Secretary-Treasurer, Auditors and two members of the Council may be elected at the annual general meeting in each year, if their election is unanimous. R.S.O., 1897, c. 180, s. 8.

(3) If the election of any of such officers or members is ^{Election by ballot.} not unanimous, and a ballot is demanded by any member of the Association entitled to vote at such election, the President, or in his absence, the Vice-President, or in the absence of both, the Secretary-Treasurer, shall appoint two scrutineers to count the ballots, and the Secretary-Treasurer shall at such meeting receive nominations of candidates in respect of whom a ballot has been demanded, and the election shall take place in the manner hereinafter provided.

(4) All elections which are not unanimous shall be by ballot, and shall be conducted in the manner provided by the by-laws of the Association. R.S.O., 1897, c. 180, s. 9.

11. Within one week after the meeting, at which a ballot was demanded, the Secretary-Treasurer shall send by post, ^{Voting papers.} to each member of the Association, when his address is known, a voting paper, Form 1, with a list of the names of all candidates nominated, and also a list of the retiring members, and

every

every vote cast for a person not so nominated shall be void. R.S.O., 1897, c. 180, s. 10.

When to be
returned.

12. The votes shall be given by closed voting papers, Form 1, which shall be delivered to the Secretary-Treasurer at his office, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, on any day between the second Tuesday of March and the first Tuesday of April in the year in which the election is held, and any voting papers received by the Secretary-Treasurer by post during that time shall be deemed to be delivered to him for the purposes of the election. R.S.O. 1897, c. 180, s. 11.

Counting of.

13.—(1) The voting papers shall, upon the first Thursday after the first Tuesday of April, be opened by the Secretary-Treasurer in the presence of the scrutineers, who shall examine and count the votes, and keep a record thereof in a book to be provided by the Council.

(2) Any person entitled to vote at the election may be present at the counting of the votes.

(3) The qualified persons who have the highest number of votes shall be declared elected. R.S.O., 1897, c. 180, s. 12.

Case of
equality of
votes.

14.—(1) In case of equality of votes between two or more persons which leaves the election of one or more officers or members of the Council undecided, the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the Secretary-Treasurer shall draw from the ballot box, in the presence of the scrutineers, one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be the officer or officers or the members of the Council, as the case may be.

Declaration
of result.

(2) Upon the completion of the counting of the votes, the Secretary-Treasurer shall forthwith declare the result of the election, and shall as soon as conveniently may be, report the same in writing, signed by himself and by the scrutineers, to the President. R.S.O. 1897, c. 180, s. 13.

Where vot-
ing paper
has too
many
names.

15. In the event of an elector placing more than the required number of names upon the voting paper for members of the council, the first names only, not exceeding the required number, shall be counted. R.S.O., 1897, c. 180, s. 14.

16.—(1) The persons qualified to vote shall be such persons as are members of the Association and have paid all fees due from them to the Association. Qualification of voters

(2) No person shall be eligible for election to any office or to the Council, or qualified to fill any vacancy thereon, or to appointment by the Council to any office, unless his fees have been paid and he is duly qualified under the provisions of this Act, and the by-laws of the Association. Of officers
R.S.O. 1897, c. 180, s. 15.

17.—(1) Except in the case of an appointment to fill the vacancy caused by the resignation, death or dismissal of a member of the Council, all elected members of the Council shall hold office for three years, and until their successors shall have been elected. Term of office of members of council.

(2) In case of the resignation, death or dismissal of the President, Vice-President, or any elective member of the Council, the other members of the Council shall have power to fill any vacancy so caused, and the person so appointed shall hold office for the unexpired portion of the term.
R.S.O., 1897, c. 180, s. 16.

18. In case of doubt or dispute as to who has been elected or as to the legality of the election the duly elected officers and members shall be a committee to enquire and decide the doubt or dispute, and the persons whom they decide to have been elected shall be deemed to have been duly elected, and if the election is found to have been illegal the committee shall order a new election. R.S.O., 1897, c. 180, s. 17. Disputed elections.

BOARD OF EXAMINERS.

19.—(1) There shall be a Board of Examiners for the examination of candidates for admission to study, and also for such other examinations as the Council may prescribe for candidates for admission to practise as surveyors. Board of Examiners.

(2) The Board shall consist of the Chairman of the Council, the Secretary-Treasurer, four other members of the Association, to be appointed by the Council, and two to be appointed by the Lieutenant-Governor in Council.

(3) The six members to be so appointed shall hold office for three years.

(4) In case of the resignation, death or inability to act of any member of the Board the Lieutenant-Governor in Council,

cil,

cil, if such member was appointed by him, and the Council if such member was appointed by it, shall appoint a member of the Association to be a member of the Board of Examiners for the unexpired portion of the term.

(5) The Chairman of the Council shall be the Chairman of the Board, and three members of the Board shall form a quorum.

(6) The Council may also appoint competent persons to assist the Board in any of the subjects of examination, and may fix the expenses and fees to be paid to any of the examiners, subject to the restrictions hereinafter contained in respect of payments to members of the Board.

Oath of
Examiner.

(7) Each member of the Board shall take and subscribe the following oath:—

I, of having been appointed a member of the Board of Examiners under *The Ontario Land Surveyors' Act*, do sincerely promise and swear that I will faithfully discharge the duties of such office without favour, affection or partiality. So help me God.

A.B.

Sworn before me at
this day of 19 .

R.S.O. 1897, c. 180, s. 19.

Meetings,
when and
where to be
held.

20. The Board shall meet at the office of the Minister on the first Monday of February in every year, and may adjourn such meeting from time to time. R.S.O., 1897, c. 180, s. 20; 6 Edw. VII., c. 10, s. 2.

Payment of
examiners.

21. The Council shall for each day's attendance pay out of the funds of the Association to each member of the Board who attends any examinations such sum, not less than \$6 nor more than \$8, as the Council may by by-law determine, and his travelling expenses. R.S.O., 1897, c. 180, s. 21.

APPRENTICES.

Qualification
for admission
as an apprentice
and examination
of applicant.

22. No person shall be admitted as an apprentice to a surveyor unless he has previously passed an examination to the satisfaction of the Board in penmanship, orthography, English grammar, arithmetic, algebra (including square-root logarithms and quadratic equations), Euclid (first four books and deductions), plane trigonometry, spherical trigonometry, as far as and including the solution of right-angled triangles, mensuration, practical geometry (including the use of ruling-pen and the construction of plane and comparative scales), Canadian and general geography and Canadian history, and has obtained a certificate of his examination and of his proficiency from the Board. R.S.O., 1897, c. 180, s. 22.

23. Every applicant shall, before being so examined, pay to the Secretary-Treasurer of the Association the prescribed fees for the examination and certificate. R.S.O., 1897, c. 180, s. 23.

Examination and certificate fees.

24. Every applicant for examination previous to apprenticeship shall give one month's notice to the Secretary-Treasurer of his intention to present himself for examination, and shall pay to the Secretary-Treasurer the prescribed fee for receiving and entering such notice. R.S.O., 1897, c. 180, s. 24.

Notice to be given by applicants.

QUALIFICATION FOR ADMISSION TO PRACTISE.

25. Except as hereinafter provided no person shall be admitted to practise as a surveyor until he has attained the age of 21 years, and has passed an examination before the Board in the following subjects, viz., geometry, including the first six books of Euclid (with the exception of the last thirteen propositions of the fifth book), algebra, including progressions, plane and spherical trigonometry, mensuration of superficies, laying out and dividing land, descriptions by metes and bounds for deeds and other documents, the use and adjustment of surveying and levelling instruments, the laying out of curves, practical astronomy, including finding of time, latitude, longitude, azimuth, variation of the compass, and drawing meridian lines, *The Surveys Act*, *The Mining Act of Ontario*, *The Registry Act*, so far as it relates to plans, *The Municipal Act*, so far as it relates to roads, surveys and drainage, *The Municipal Drainage Act*, *The Ditches and Watercourses Act*, the theory and practice of levelling, the principal rules of evidence, drawing of affidavits, taking of field notes and preparing plans, the method of calculating the horse power of rivers and streams, the method of scaling logs and measuring timber, the rudiments of geology and mineralogy, elementary botany and the forest flora of Canada and the sufficiency of his surveying instruments, and has served regularly and faithfully, for three successive years, except as hereinafter provided, under an instrument in writing duly executed before two witnesses, as apprentice to a surveyor, duly admitted and practising as such, nor until he has received from him a certificate of his having so served during that period, or proves to the satisfaction of the Board that he has so served. R.S.O., 1897, c. 180, s. 25. *Amended.*

Qualification for admission to practise.

Apprenticeship.

26. An apprentice may, with the permission of the Board, attend the University of Toronto as a student in the Faculty of Applied Science and Engineering, or any school, college or university, the course of study in which is, in the opinion of the Board, similar to that in such Faculty for the purpose

Attendance of apprentice at Toronto University or institution with similar course of study.

of taking any course of study which includes any of the subjects required for the final examination for admission to practise as a surveyor, but the total period of such apprenticeship and of such course of study shall not exceed four years from the date of the articles of apprenticeship, and not less than three of such four years shall be passed in the actual service of a practising surveyor. R.S.O., 1897, c. 180, s. 26.

Persons qualified in other British dominions may be admitted to practise in Ontario.

27. A person who has attained the age of 21 years and has practised as a land surveyor in any of His Majesty's Dominions other than Ontario, and satisfied the Board that the qualifications for practising required in such Dominion were similar to those required in Ontario, and produces to the Board his diploma or certificate, shall not be required to serve as an apprentice, or shall only be required to serve during such period not exceeding three years as the Board may deem requisite, after which he shall, on complying with the other requirements of this Act, have the right to undergo the final examination, or such parts thereof as the Board may deem necessary, and if found qualified, shall be admitted to practise. Provided that the same privileges are granted in such Dominion to qualified land surveyors of this Province. R.S.O., 1897, c. 180, s. 27.

Graduates of Royal Military College, Kingston, Toronto University, McGill College, Montreal, or School of Mining, Kingston, to have certain privileges.

28.—(1) The privilege of a shortened term of apprenticeship shall also be accorded to any graduate of the Royal Military College at Kingston, and to any graduate in Civil Engineering or in Mining Engineering of the University of Toronto, or McGill College at Montreal, or of the School of Mining at Kingston, and such person shall not be required to pass the preliminary examination for admission to apprenticeship, but shall only be bound to serve under articles with a practising surveyor, duly filed as required by section 31, during twelve successive months of actual practice, after which, on complying with all other requirements, he may undergo the examination for admission to practise. R.S.O., 1897, c. 180, s. 28; 63 Vic., c. 22, s. 1.

Attendance at certain schools during apprenticeship.

(2) Such person at any time during his apprenticeship may, with the permission of the Board, attend the University of Toronto as a student in the Faculty of Applied Science and Engineering, or any school, college, or university, the course of study in which is, in the opinion of the Board, sufficiently similar to that in such Faculty, for the purpose of taking any course of study which includes any subject required for the examination for admission to practise, but the total period of such apprenticeship, and of such course of study shall not exceed the period of two years from the date of the articles of apprenticeship as above mentioned, and not less than twelve months of the period of two years shall be

passed

passed in the actual service of a practising surveyor. R.S.O., 1897, c. 180, s. 29.

29. If a surveyor dies or leaves Ontario, or is suspended or dismissed, or ceases to practise, his apprentice may complete his term of apprenticeship, under an instrument in writing, with any registered surveyor in actual practice. If surveyor dies, etc., service may be completed with another surveyor. R.S.O., 1897, c. 180, s. 30.

30. A surveyor may, with the consent of the apprentice, by an instrument in writing, transfer him to another registered surveyor in actual practice with whom he may serve the remainder of the term of his apprenticeship. Instruments of apprenticeship may be transferred. R.S.O., 1897, c. 180, s. 31.

31.—(1) No instrument under which an applicant for admission to practise claims to have served shall avail to authorize his admission, unless it was transmitted to the Secretary-Treasurer within two months next after the date thereof, unless the Council for special reasons otherwise permits, nor unless the prescribed fee was paid at the time of transmitting the instrument. Instruments binding to service to be filed, etc.

(2) The Secretary-Treasurer shall acknowledge by post the receipt of all such instruments transmitted to him, and shall keep the same filed in his office. R.S.O., 1897, c. 180, s. 32.

ADMISSION OF CANDIDATES.

32. Every person desiring to be examined by the Board to be admitted to practise shall give notice thereof in writing to the Secretary-Treasurer, at least one month before the meeting of the Board. Notice of examination to be given by candidates for admission. R.S.O., 1897, c. 180, s. 33.

33. Every person applying for admission to practise shall produce to the Board satisfactory certificates as to character for probity and sobriety, and before a certificate is granted shall perform such practical operations in the presence of the Board, and shall answer such questions on oath, which oath any member of the Board may administer, with regard to the actual practice of such applicant in the field, and with regard to his surveying instruments, as the Board may require. The board to require certificates of good conduct, etc. R.S.O., 1897, c. 180, s. 34.

34.—(1) If the Board is satisfied as to the qualifications of the candidate, and his compliance with all the preliminary requirements of this Act, it shall grant him a certificate, Form 2. and such certificate shall, on the applicant complying with the other requirements of this Act, entitle him to practise as a surveyor. If the examiners approve of the candidate they are to grant him a certificate.

(2) The certificate shall be registered in the office of the Provincial Secretary. R.S.O., 1897, c. 180, s. 35.

Candidates
to give
security.

35.—(1) Before receiving his certificate the applicant shall enter into a joint and several bond to His Majesty, with two sufficient sureties to the satisfaction of the Board, or the Chairman or Secretary thereof, in the sum of \$1,000, conditioned for the due and faithful performance of the duties of his office.

Where
bonds to be
deposited.

(2) The bond shall be deposited in the office of the Provincial Treasurer, and shall enure to the benefit of any person sustaining damage by breach of the condition thereof. R.S.O., 1897, c. 180, s. 36.

Oaths of
allegiance
and office.

36.—(1) The applicant, after having been granted a certificate, shall also take and subscribe the oath of allegiance, and the following oath before the Board, or a member thereof specially deputed by the Board for that purpose:—

"I, A.B., do solemnly swear that I will faithfully discharge the duties of an Ontario Land Surveyor, according to law, without favour, affection or partiality: So help me God."

(2) The oaths of allegiance and of office shall be deposited in the office of the Provincial Secretary. R.S.O., 1897, c. 180, s. 37.

SUSPENSION FOR MISCONDUCT.

Dismissal
or suspension
of
members.

37.—(1) The Council may suspend or dismiss from the Association any surveyor whom it finds guilty of gross negligence or of corruption in the execution of the duties of his office; but the Council shall not take action until a complaint made under oath has been filed with the Secretary-Treasurer, and a copy thereof forwarded to the person accused, nor shall the Council suspend or dismiss such surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered in support of the complaint and on behalf of the surveyor.

(2) The evidence shall be taken under oath to be administered by the Chairman of the Council, or by the person acting as such in his absence, or by the Secretary, and shall be taken down by a stenographer, as in the case of evidence taken in the High Court.

(3) A surveyor so dismissed or suspended may, within fourteen days after service upon him of a copy of the order or resolution of dismissal or suspension, appeal therefrom to the High Court by giving seven days' notice to the Secretary-Treasurer, and may require the evidence taken to be filed in the Central Office of the High Court, and the costs of such appeal shall be in the discretion of the Court.

(4) The High Court or a Judge thereof may extend the time for appealing for a further period not exceeding fourteen days. *New.*

(5) The appeal shall be set down to be heard at a sittings of the Court to be held within one month after the time, or the extended time for appealing has expired. *New.*

(6) Unless the order or resolution is set aside, or the Court or the Council otherwise orders, a surveyor so dismissed or suspended shall not have the right to practise as a surveyor until after the appeal has been disposed of, except where the time for which he was so suspended has expired.

(7) The Council may suspend or dismiss from the Association any member who has been convicted of any crime, and cause his name to be removed from the register.

(8) The Council may direct the Registrar to restore to the register the name of any person or any entry erased therefrom, either without fee or on payment of such fee, not exceeding the arrears of fees due to the Association, as the Council may fix. R.S.O., 1897, c. 180, s. 38. *Amended.*

ATTENDANCE OF WITNESSES.

38. On any enquiry concerning an election or the dismissal, suspension or restoration of any member, a summons under the hand of the President, or of the Vice-President, or of any two members of the Council, for the attendance of a witness before the Council, shall have all the force of a subpoena; and any witness not attending in obedience thereto shall be liable to attachment in the High Court. 61 Vic., c. 18, s. 1.

Summoning witnesses on enquiry as to election, dismissal, etc.

FEES.

39. The following fees shall be paid to the Secretary-Treasurer:—

Tariff of fees.

(a) By every person authorized to practise under the provisions of this Act on applying for registration, \$1;

(b) By each member of the association an annual membership fee of \$4;

(c) By each apprentice on transmitting to the Secretary-Treasurer the articles of apprenticeship, \$10;

(d) By each candidate for examination, with his notice thereof, \$1;

(e) By each candidate for the preliminary examination on presenting himself for examination, \$10;

(f) By each applicant obtaining a certificate to practise, \$32;

(g) For registering each transfer of articles, \$2;

(h) By each applicant obtaining a certificate to practise, for official notice in the *Ontario Gazette*, \$1.

R.S.O. 1897, c. 180, s. 39; 62 Vic. (2), c. 11, s. 18; 4 Edw. VII. c. 10, s. 42.

Witness
fees.

40. Every surveyor summoned to attend any civil or criminal Court, for the purpose of giving evidence in his professional capacity, or in consequence of any professional service rendered by him, shall be entitled to \$5 for each day he so attends, in addition to his travelling expenses, to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such Court. R.S.O., 1897, c. 180, s. 40.

REGISTRATION OF PERSONS ENTITLED.

How
register to
be kept.

41.—(1) The Secretary-Treasurer shall make and keep a correct register, Form 3, of all persons entitled to be registered under this Act, and shall enter opposite the name of any registered person who has died a statement of that fact, and shall make the necessary alterations in the addresses of persons registered, and subject to this Act shall keep the register in accordance with the by-laws of the Association and the orders and regulations of the Council. R.S.O., 1897, c. 180, s. 41.

Effect of
omitting to
register.

(2) No person, who neglects or omits to be so registered, shall be entitled to any of the rights or privileges conferred by registration so long as such neglect or omission continues.

Removal of
names from
list.

(3) A registered surveyor desiring to give up practice may have his name removed from the register, upon giving written notice to the Secretary-Treasurer of such desire, and paying all fees due from him to the Association, and thereafter he shall not be liable to the Association for any annual or other fees, and may, upon like notice of his intention to resume practice and paying the annual fee for the year in which such notice is given, be again registered.

Registrar
not to admit
improper
entries.

(4) No name shall be entered in the register except of persons authorized by this Act to be registered, nor unless the Secretary-Treasurer is satisfied by proper evidence that the person claiming to be entitled to be registered is so entitled, and any appeal from his decision shall be decided by the Council, and any entry which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made shall be erased from or amended in the register by order of the Council.

Exemption
from
annual fee.

(5) The Association may by by-law provide that any surveyor who has been in the actual practice of his profession for a period of thirty-five years or more and has during the entire period been a duly qualified surveyor, may be exempted from payment of the annual membership fee. R.S.O., 1897, c. 180, s. 42.

42. Any person who was duly authorized to practise as a surveyor of land in Ontario on the 14th day of April, 1892, who through absence, illness or inadvertence has omitted to become a member of the Association may be admitted by the Council to enrolment as a surveyor upon payment of the arrears of fees or such part thereof as the Council may direct. R.S.O., 1897, c. 180, s. 43.

Omission to register through absence, etc.

43.—(1) Unless registered, no person shall be entitled to take or use the name or title of Ontario Land Surveyor, either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act.

Penalty for practising while unregistered.

(2) Any person who contravenes this section shall incur a penalty not exceeding \$20 for the first offence, and not exceeding \$50 for each subsequent offence. R.S.O., 1897, c. 180, s. 44.

44.—(1) The Secretary-Treasurer shall in every year cause to be printed, published and kept for inspection at his office, free of charge, a register. Form 4, in which shall be printed the names in alphabetical order, according to the surnames, with the respective residences, of all persons appearing on the general register on the first day in January in such year.

A register of practising surveyors to be published annually.

(2) A copy of such register, purporting to be so printed and published, shall be evidence in all Courts, and before all Justices of the Peace and others, that the persons therein mentioned are registered according to the provisions of this Act.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the Secretary-Treasurer of the entry of the name of such person in the register, shall be like evidence that such person is registered under the provisions of this Act. R.S.O., 1897, c. 180, s. 45.

Certified copy of entry.

FRAUDULENT REGISTRATION.

45. If the Secretary-Treasurer wilfully makes or causes or allows to be made any falsification in any matter relating to the register he shall incur a penalty of not less than \$20 and not more than \$50. R.S.O., 1897, c. 180, s. 46.

Penalty for making improper entries.

46. Any person who wilfully procures or attempts to procure registration under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, shall incur

Penalty for procuring entry by fraud.

incur a penalty of not less than \$20 and not more than \$50, and the Council may remove the name of the offender from the register. R.S.O., 1897, c. 180, s. 47.

RECOVERY OF FEES AND PENALTIES.

Recovery of
fees and
penalties.
10 Edw. VII.,
c. 37.

47.—(1) All fees payable under this Act may be recovered as ordinary debts due the Association; and all penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Application
of
penalties.

(2) All penalties recovered under this Act shall immediately upon the recovery thereof be paid over by the convicting Justice to the Secretary-Treasurer.

Who may
be com-
plainant.

(3) Any person may be prosecutor or complainant under this Act, and the Council may allot such portion of the penalty as it deems expedient to the prosecutor. R.S.O., 1897, c. 180, s. 48.

NOTICES AND DOCUMENTS.

Notices and
documents
may be
mailed.

48.—(1) Except as herein otherwise provided all notices and documents required by or for the purposes of this Act to be sent by mail, if sent by registered post, shall be deemed to have been received at the time when the same would be delivered in the ordinary course of mail.

Form of,
and how
may be
addressed.

(2) Such notices and documents, when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address in the register of the Association. R.S.O., 1897, c. 180, s. 49.

HOW FUNDS TO BE APPLIED.

How fees,
etc., to be
applied.

49.—(1) All moneys arising from fees payable on registration, or from the annual fees, or from the sale of copies of the register or otherwise shall be applied for defraying the expenses of the Association in accordance with such regulations as may be made by the Council.

Investment
in securi-
ties.

(2) The Council may invest in the name of the Association any moneys not so expended in such securities as trustees may properly invest in, and the income derived therefrom shall form part of the ordinary income of the Association. R.S.O., 1897, c. 180, s. 50.

Accounts to
be kept and
audited.

50. The Secretary-Treasurer shall enter in books to be kept for that purpose a true account of all moneys by him received and paid, and such books shall be audited and sub-

mitted

mitted to the Council and to the Association when and so often as they may require. R.S.O., 1897, c. 180, s. 51.

51. Chapter 180 of the Revised Statutes, 1897, and ^{Repeal.} chapter 18 of the Acts passed in the 61st year, section 18 of chapter 11 of the Acts passed in the second session of the Legislature held in the 62nd year, and chapter 22 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria, and section 42 of chapter 10 of the Acts passed in the 4th year of the reign of His late Majesty King Edward the Seventh are repealed.

FORM 1.

VOTING PAPER.

Association of Ontario Land Surveyors.

Election 19 .

I, of
in
a member of the Association of Ontario Land Surveyors, do hereby declare that

(1) The signature hereto is in my proper handwriting.

(2) I vote for A. B., of

., as (president, vice-president, secretary-treasurer, auditor or auditors, as the case may be).

(3) I vote for the following persons as members of the council of the association:—A. B., of and C. D., of

(4) I have signed no other voting paper at this election.

(5) This voting paper was signed on the day of the date thereof.

Witness my hand this day of, 19

R.S.O., 1897, c. 180, Sched. B.

FORM 2.

CERTIFICATE OF ADMISSION.

This is to certify that A. B. of has duly passed his examination before the Board of Examiners, and has been found qualified to fill the office and perform the duties of an Ontario Land Surveyor, he having complied with all the requirements of the law in that behalf. Wherefore the said A. B. is admitted to the said office and is by law authorized to practise as an Ontario Land Surveyor.

In witness whereof, we have signed this certificate at the City of Toronto, the day of, 19

C. D., Chairman.
E. F., Secretary.

R.S.O., 1897, c. 180, s. 35, part.

FORM

FORM 3.

REGISTER.

Name.	Residence. P.O. address.	Qualifica- tions and additions.	When ad- mitted.	When ceased to practise.	When died, etc.

R.S.O., 1897, c. 180, Sched. A.

FORM 4.

SURVEYORS' REGISTER, 1ST JANUARY, 19

Name.	Residence. P. O. Address.	Qualifications and additions

R.S.O., 1897, c. 180, Sched.C.

CHAPTER 42.

An Act respecting the Survey of Lands.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	SURVEY OF BOUNDARY LINES, ss.
INTERPRETATION, s. 2.	7-38.
CERTAIN BOUNDARY LINES VALID, s. 3.	SURVEYS—METHOD OF RUNNING LINES, 39-43.
STANDARD OF MEASURE, s. 4.	ROAD ALLOWANCES, s. 44.
CHAIN-BEARERS—OATH OF, s. 5.	JOURNALS AND FIELD NOTES, s. 45.
POWER TO PASS OVER LANDS IN DISCHARGE OF DUTY, s. 6.	ADMINISTRATION OF OATHS AND TAKING EVIDENCE, s. 46.
	REPEAL, 47.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Surveys Act*. R.S.O., short title. 1897, c. 181, s. 1.

2. In this Act,

- (a) "Department" shall mean Department of Lands, Forests and Mines. Interpret-
tion.
"Depart-
ment."
- (b) "Minister" shall mean Minister of Lands, Forests and Mines. "Minister."
- (c) "Original survey" shall mean a survey made under the authority mentioned in section 16. "Original
survey."
- (d) "Surveyor" shall mean Ontario Land Surveyor. "Surveyor."
New.

CERTAIN BOUNDARY LINES DECLARED VALID.

3. All boundary or division lines legally established, and ascertained under the authority of Ordinances or Acts heretofore in force, shall remain good, and all other acts or things legally done and performed under the authority of such Ordinances or Acts, or any of them, and in conformity to the provisions thereof, shall remain good and valid notwithstanding the repeal of any such Ordinance or Act. R.S.O., 1897, c. 181, s. 2. Boundary
lines here-
tofore
established
confirmed.

STANDARD OF MEASURE.

The standards of measure regulated.

4.—(1) The Secretary-Treasurer of the Association of Ontario Land Surveyors, shall, by the standard of measure of length deposited with the Department and under such instructions as he from time to time receives from the Council of the Association, examine, test and stamp each standard measure of length for the surveyors who bring the same for examination; and for each measure so examined, tested and stamped may demand, and receive such sum, not less than fifty cents nor more than \$2, as the Council may by by-law determine. R.S.O., 1897, c. 181, s. 3; 6 Edw. VII., c. 10, s. 2. *Amended.*

Surveyor to procure stamped standard measure of length.

(2) Every admitted and practising surveyor shall procure and shall cause to be examined, corrected, tested and stamped or otherwise certified by the Secretary-Treasurer, a standard measure of length, under the penalty of the forfeiture of his license or certificate, and shall previously to proceeding on any survey, verify by such standard the length of his chains and other instruments for measuring. R.S.O., 1897, c. 181, s. 4.

CHAIN-BEARERS.

Chain-bearers

5. Every chain-bearer shall, before he commences his chaining or measuring, take an oath to act as such justly and exactly according to the best of his judgment and ability and to render a true account of his chaining or measuring to the surveyor by whom he has been appointed to such duty, and that he is absolutely disinterested in the survey in question, and is not related or allied to any of the parties interested in the survey within the fourth degree, according to the computation of the civil law—that is to say, within the degree of cousin-german, which oath the surveyor employing such chain-bearer is hereby authorized and required to administer; and no person related or allied to any of the parties within such degree shall be employed as a chain-bearer on any survey. R.S.O., 1897, c. 181, s. 5.

Disqualification for relationship to parties.

PASSING OVER OTHER LANDS.

When land surveyors may pass over private lands.

6.—(1) A surveyor, when engaged in the performance of the duties of his profession, may pass over, measure along and ascertain the bearings of any line or limit whatsoever, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. R.S.O., 1897, c. 181, s. 6.

Penalty.

(2) Any person who interferes with or obstructs a surveyor in the exercise of the powers conferred by subsection 1

shall

shall incur a penalty not exceeding \$100 recoverable under *The Ontario Summary Convictions Act. New.*

10 Edw. VII.
c. 37.

DETERMINING BOUNDARY LINES.

7. Where a surveyor is in doubt as to the true boundary or limit of any township, concession, range, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such boundary or limit, or of any writing, plan or document, tending to establish the true position of such boundary or limit, then if such person does not willingly appear before and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, a Judge of a County or District Court, upon the application of such surveyor or the person employing him accompanied by an affidavit or solemn declaration of the facts on which the application is founded, may order a subpoena to issue, commanding such person to appear before the surveyor, at a time and place to be mentioned in the subpoena and to bring with him any writing, plan or document mentioned or referred to therein. R.S.O., 1897, c. 181, s. 7. *Amended.*

Ascertaining boundary line in doubtful cases.
May subpoena witnesses.

8. The subpoena shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown-up person at his residence, exhibiting to him or to such grown-up person the original. R.S.O., 1897, c. 181, s. 8.

Service of subpoena.

9. If the person commanded to appear by the subpoena after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the time and place appointed in the subpoena, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, the person so summoned shall be deemed guilty of a contempt of the Court out of which the subpoena issued, and an attachment may be issued against him by order of the Court, and he may be punished accordingly, by fine or imprisonment, or both, in the discretion of the Court. R.S.O., 1897, c. 181, s. 9.

Penalty for disobeying.

10.—(1) Monuments of stone or other durable material, shall be placed at the several corners, governing points or off-sets of every township heretofore or hereafter surveyed, and also at each end of the several concession lines of such townships; and lines drawn in the manner hereinafter prescribed from the monuments so erected, shall be taken and considered to be the permanent boundary lines of such townships.

Monuments to be placed at certain points in townships.

ships and concessions respectively. R.S.O., 1897, c. 181, s. 10.

Under direc-
tion of
Minister.

(2) Such monuments shall be so placed under the direction and order of the Minister. R.S.O., 1897, c. 181, s. 11; 6 Edw. VII., c. 10, s. 2.

True bound-
aries—
What to
be deemed.

11. The courses and lengths of such boundary lines, so ascertained and established, shall be the true courses and lengths of the boundary lines of the townships and concessions, whether the same do or do not, on actual survey, coincide with the courses and lengths mentioned and expressed in respect of such boundary lines in any letters patent, grant or other instrument. R.S.O., 1897, c. 181, s. 12.

Application
of the
county
council for
placing of
monuments.

12.—(1) It shall not be necessary for the Minister to carry the provisions of the next preceding two sections into execution, until an application for that purpose has been made to the Lieutenant-Governor in Council by the council of the county in which the township interested is situate, and such council shall cause the sum requisite to defray the expenses to be incurred, or the proportion thereof payable by the ratepayers of any township or concession, to be levied on them, in the same manner as any sum required for any other local purpose authorized by law may be levied. R.S.O., 1897, c. 181, s. 13.

Confirmation
of survey.

(2) A survey made under the next preceding two sections may be confirmed by the Minister in the manner provided by subsection 4 of the next following section. 4 Edw. VII., c. 10, s. 43; 6 Edw. VII., c. 10, s. 2.

When
township
council may
apply to
have lines
marked

13.—(1) Whereas in several townships some of the concession lines and side road lines, or parts of the concession lines and side road lines were not run in the original survey performed under competent authority, and the survey of some of the concession lines and side road lines, or parts of the concession lines and side road lines have been obliterated, and owing to the want of such lines the inhabitants of such concessions are subject to serious inconvenience, therefore the municipal council of the township in which such lines are situate, may, on application of one-half the resident landholders in any concession, or part of a concession, or upon its own motion without such application, apply to the Lieutenant-Governor in Council to cause any such line to be surveyed and to be marked by monuments of stone or other durable material under the direction and order of the Minister, in the manner prescribed in this Act, at the cost of the owners of the land in each concession or part of a concession interested.

(2) The concession lines, where not run, or where they have been obliterated, shall be so drawn as to leave each of the adjacent concessions of a depth proportionate to that intended in the original survey. R.S.O., 1897, c. 181, s. 14 (1) (2). Depth of adjacent concessions.

(3) The survey of the parts of those concession lines intended to be straight, and which were not run or which have been obliterated, shall be established by drawing a straight line between the two nearest points or places where such line or lines can be clearly and satisfactorily ascertained, and for the purpose of establishing such two nearest points or places the surveyor who makes the survey may, if necessary, survey beyond the points mentioned in the council's application. 7 Edw. VII., c. 51, s. 1. How lines to be established.

(4) On the return of such survey to the Minister, he shall cause a notice thereof to be published once in each week for four consecutive weeks in a newspaper published in the county or district town of the county or district in which the lands lie, and shall specify in the notice a day not less than ten days after the last publication on which the report of the survey will be considered, and the parties affected thereby heard, and on the hearing the Minister may either confirm the survey or direct such amendments or corrections to be made as he shall deem just, and shall confirm the survey so amended or corrected, and the lines or parts of the lines so surveyed and marked shall thereafter be the permanent boundary lines of such concession or side roads or parts of concessions or side roads to all intents and purposes, and the order of the Minister confirming the survey shall be final and conclusive upon all persons, and shall not be questioned in any court. Confirmation of survey.

(5) The council shall cause to be laid before them an estimate of the sum requisite to defray the expenses to be incurred in order that the same may be levied on the owners, in proportion to the quantity of land held by them respectively in such concession or part of a concession, in the same manner as any sum required for any other purposes authorized by law may be levied, or the council may without a previous estimate levy on the owners in such proportions the amount of the expense when the same shall have been incurred and ascertained and the certificate of the Minister certifying the amount of such expense shall be conclusive. R.S.O., 1897, c. 181, s. 14 (5); 7 Edw. VII., c. 31, s. 2. Expenses—How borne.

(6) Where an application is made by a council upon its own motion, such council if it deems the application to be in the Payment out of municipal funds.

the public interest in assisting to determine the boundaries or limits of any public road or highway or the like may pay out of the general funds of the township either the whole of the expense or such part thereof as the council may deem proper, and in the event of the council paying part only of the expense out of the general funds the council may order that the remainder of the expense be levied on the owners in such proportion and manner. 7 Edw. VII., c. 31, s. 3.

Survey of
block, etc.,
on applica-
tion of
landholders.

14.—(1) Where the municipal council of any township, city, town or village adopts a resolution, on application of one-half the resident landholders to be affected thereby, or upon its own motion, that it is desirable to place stone or other durable monuments at the front or at the rear, or at the front and rear angles of the lots in any concession or range or block or part of a concession, or range or block in their township, city, town or village, such council may apply to the Lieutenant-Governor in Council in the same manner as is provided by the next preceding section to cause a survey of such concession or range or block, or part thereof, to be made, and such monuments to be placed under the authority of the Minister.

Marking
boundaries
with dur-
able monu-
ments.

(2) The surveyor making such survey shall accordingly place stone or other durable monuments at the front, or at the rear, or at the front and rear angles of every lot in such concession, range or block, or part thereof, and after confirmation of the survey in the manner provided by the next preceding section, the limits of each lot so ascertained and marked shall be the true limits thereof.

Cost of sur-
vey—How to
be defrayed.

(3) The cost of such survey shall be defrayed in the manner prescribed by the next preceding section. R.S.O., 1897, c. 181, s. 15.

Municipal
treasurer to
pay in first
instance.

15. All expenses incurred in making any survey, or placing any monument under the provisions of section 10 and the following sections, shall be paid by the treasurer of the municipality which made the application for the survey, to the person employed in such services, on the certificate and order of the Minister. R.S.O., 1897, c. 181, s. 16; 6 Edw. VII., c. 10, s. 2.

True and
unalterable
boundaries
—What to
be deemed.

16. All boundary lines of townships, cities, towns and villages, all concession lines, governing points, and all boundary lines of concessions, sections, blocks, gores and commons, and all side lines and limits of lots surveyed, and all trees marked in lieu of posts and all posts or monuments, marked, placed or planted at the front or rear angles of any lots or parcels of land, under the authority of the Executive Govern-

ment

ment of the late Province of Quebec or of Upper Canada or of Canada, or under the authority of the Executive Government of Ontario, shall be the true and unalterable boundaries of all and every such townships, cities, towns, villages, concessions, sections, blocks, gores, commons, and lots or parcels of land, respectively, whether the same upon admeasurement be found to contain the exact width or more or less than the exact width mentioned or expressed in any letters patent, grant or other instrument in respect of such township, city, town, village, concession, section, block, gore, common, lot or parcel of land. R.S.O., 1897, c. 181, s. 17.

17. Every township, city, town, village, concession, section, block, gore, common, lot or parcel of land, shall embrace the whole width, contained between the front posts, monuments or boundaries, planted or placed at the front angles thereof respectively, so marked, placed or planted, and no more nor less, any quantity or measure expressed in the original grant or patent thereof notwithstanding. R.S.O., 1897, c. 181, s. 18.

Surveyed territory to embrace the width between the front posts.

18. Except as hereinafter provided every patent, grant or instrument, purporting to be for any aliquot part of any concession, section, block, gore, common, lot or parcel of land in any such township, city, town or village, shall be construed to be a grant of such aliquot part of the quantity the same may contain, whether such quantity be more or less than that expressed in such patent, grant or instrument. R.S.O., 1897, c. 181, s. 19. *Amended.*

As to aliquot parts of townships, etc.

19. In every city, town or village, or any part thereof, which has been surveyed by the authority mentioned in section 16, all allowances for any road, street, lane or common laid out in the original survey of such city, town or village, or any part thereof, shall be public highways and commons; and all posts or monuments placed or planted in the original survey of such city, town or village, or any part thereof, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of every such road, street, lane, lot and common; and every surveyor, employed to make a survey in such city, town or village, or any part thereof, shall follow and pursue the same rules and regulations in respect of such survey as are by law required of him when employed to make a survey in a township. R.S.O., 1897, c. 181, s. 20.

Road allowances and commons.

Monuments on original survey to govern.

20. Where a township, tract or block of land, the whole or any part of which has not been surveyed, has been or is granted by the Crown, the first survey made by the owner of any unsurveyed part thereof shall have the same force and

Unsurveyed lands granted in blocks and subsequently surveyed by grantees.

effect as and be deemed an original survey thereof; and all allowances for roads or commons surveyed in such township, tract or block of land, and laid down on the plans of such survey thereof, shall be public highways and commons; and all lines run and marked in such survey, and all posts or monuments planted or placed in such survey to designate and define any allowance for road, concession, common or lot of land, shall be the true and unalterable lines and boundaries of such allowance for road, common, or lot of land; and every surveyor employed to make a survey in such township, tract or block of land, shall follow and pursue the same rules and regulations in respect of such survey as are by law required in the case of an original survey of a township, tract or block of land. R.S.O., 1897, c. 181, s. 21. *Amended.*

Governing
lines de-
clared.

21. The course of the boundary line of every concession, on that side from which the lots are numbered, shall be the course of the division or side lines throughout the township, provided that such division or side lines were intended, in the original survey, to run on the same course as such boundary line. R.S.O., 1897, c. 181, s. 22.

Side lines
to be run on
the same
course as
governing
lines.

22. Every surveyor shall run all division or side lines which he is called upon by the owner or owners of any lands to survey on the same course as that of the boundary line of the concession in which such lands are situate, from whence the lots are numbered, provided such division or side lines were intended, in the original survey, to run on the same course as such boundary line. R.S.O., 1897, c. 181, s. 23.

When con-
cession
bounded by
lake or
river.

23. Where that end of a concession from which the lots are numbered, is wholly bounded by a lake or river, or other natural boundary, or where it has not been run in the original survey, or where the course of the division or side lines of the lots therein was not intended in such original survey, to be on the same course as such boundary, such division or side lines shall be run on the same course as the boundary line at the other extremity of such concession, if their course was intended, in the original survey, to be the same, and such boundary line was run in the original survey. R.S.O., 1897, c. 181, s. 24.

When divi-
sion or side
line not
intended to
run on
same course
as side
lines at
either end of
a concession.

24. Where in the original survey, the course of the division or side lines in any concession was not intended to be the same as that of the boundary line at either end of such concession, they shall be run at such angle with the course of the boundary line at that end of the concession from which the lots are numbered, as is stated in the plan and field notes of the original survey, of record in the Department, if such line was run in the original survey, or with the course of the

boundary

boundary line at the other extremity of the concession, if the boundary at that end of the concession from which the lots are numbered was not run in the original survey; or if neither of the boundaries of the concession was run in the original survey, or if the concession is wholly bounded at each end by a lake or river, or other natural boundary, then at such angle with the course of the line in front of the concession as is stated in such plan and field notes, or if parts of the concession line have been run on different courses as shown on such plan and field notes, then at such angle with the course of each of those parts, as is stated in the plan and field notes. R.S.O., 1897, c. 181, s. 25; 6 Edw. VII., c. 10, s. 2.

25. If any division or side line between lots, or proof line intended to be on the same course as the division or side lines between lots, was drawn in any such concession, bounded as mentioned in the next succeeding section, in the original survey thereof, the division or side lines between the lots herein shall be on the same course as such division or side line or proof line. R.S.O., 1897, c. 181, s. 26.

Where division or proof line has been run between lots.

26. Where two or more such division or side lines or proof lines were drawn in the original survey of such concession, so bounded, that division or side line or proof line which is nearest to the boundary of the concession from which the lots are numbered, shall govern the course of the division or side lines of all the lots in such concession between the boundary of the concession from which the lots are numbered, and the next division or side line or proof line drawn in the original survey; and such last mentioned line or proof line shall govern the course of the division or side lines of all the lots up to the next division or side line or proof line drawn in the original survey, or to the boundary of the concession towards which the lots are numbered, as the case may be. R.S.O., 1897, c. 181, s. 27.

When more than one such line drawn in original survey.

27.—(1) Except as provided in subsection 2, in all those townships which in the original survey were divided into sections, agreeably to an Order in Council bearing date the 27th day of March, 1829, or which have since been or shall be divided into sections or blocks of one thousand eight hundred acres or thereabouts or of one thousand acres, or thereabouts, or of six hundred and forty acres, or thereabouts, under instructions from the Minister, the division or side lines in all concessions, in any section or block, shall be governed by the boundary lines of such section or block, in like manner as the division or side lines in townships originally surveyed before that day are governed by the boundary lines of the concession in which the lots are situate:

How lines to be governed in townships laid out in sections or blocks

Provided

Proviso.

Provided that in those sections or blocks the governing boundaries of which are broken by lakes or rivers in such a way that the course thereof cannot accurately be determined, a surveyor when called upon to run any side line in any concession in such section or block, shall run such side line on the astronomical course of the side lines of the lots in the township, as shown on the original plan and field notes thereof, of record in the Department. *Amended.*

Exceptions.

(2) The lines between all lots in all townships in the Districts of Muskoka and Parry Sound; all townships in the District of Nipissing which lie south of the Mattawan River and Trout Lake, and the Township of Mattawan, in that district; all townships in the Provisional County of Haliburton; the Townships of Dalton, Digby, and Longford, in the County of Victoria; the Townships of Galway, Cavendish, Anstruther and Chandos, in the County of Peterborough; the Townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the County of Hastings; the Townships of Anglesea, Effingham, Abinger and Denbigh, in the County of Lennox and Addington; the Townships of Barrie, South Canonto and North Canonto, in the County of Frontenac, and the Townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Algona, North Algona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns and Jones, in the County of Renfrew, shall be run on the astronomical course stated in the plan and field notes of the original survey of record in the Department, but nothing in this subsection shall affect the lines in any section or block in any of such townships in which any line was run before the 1st day of July, 1897. R.S.O., 1897, c. 181, s. 28 (1, 2).

Surveyor's return to township clerk.

28. Every surveyor shall on the 31st day of December in each year make to the clerk of the township a return, Form 1, of all lines run by him in such township under the provisions of subsection 2 of section 27. R.S.O., 1897, c. 181, s. 28 (3).

How surveyor is to re-establish the angle of adjacent sections or blocks.

29.—(1) Where the concession line in front of two adjacent sections or blocks heretofore or hereafter laid out under authority of an Order in Council is shown on the plan and field notes to be on the same astronomical course, and the boundaries between the sections or blocks are shown on the plan and field notes to be on the same astronomical course, the surveyor, when called upon to re-establish the angle of either section or block, shall connect the two nearest undisputed points on the concession line in front of such

sections

sections or blocks by a straight line and join the nearest undisputed points on the side line between the sections or blocks, and the intersection of these two lines shall be the angle of the adjacent sections or blocks. Provided that the undisputed points to be connected are not more than 20 chains apart, and that one of them is on either side of the line.

(2) If such undisputed points on the side line are more than 20 chains apart, the surveyor shall then establish the angle of the sections or blocks by dividing proportionately, as intended in the original survey, the distance between the two nearest undisputed angles of lots on the concession line in front of such sections or blocks, and the point so ascertained shall be the angle of the sections or blocks.

Where un-
disputed
points more
than 20
chains apart.

(3) Where the concession line in front of the two adjacent sections or blocks is not on the same astronomical course as shown on the plan and field notes, and has become obliterated, the angle of the section shall be established by dividing proportionately, as intended in the original survey, the distance between the front and rear angles of the lots on the side lines of the adjacent sections or blocks, and the point so ascertained shall be the angle of the adjacent sections or blocks.

Where
front line
obliterated.

(4) If the angle of the section or block cannot be ascertained in the mode provided for by the three next preceding subsections the surveyor shall report the circumstances of the case to the Minister who shall determine how the surveyor shall proceed, and the angle ascertained in accordance with the directions of the Minister shall be the true angle of the sections or blocks. *New.*

Report to
Minister
when angle
cannot be
ascertained.

30.—(1) Except as in this section is provided the surveys made under instructions from the Department of the Interior of Canada, of certain townships in the Rainy River District, the lots immediately upon the bank of Rainy River having a width of ten chains fronting the river and a varying depth, and the remaining lands so surveyed being subdivided into sections of one mile square, and quarter sections of one hundred and sixty acres, with road allowances around each section are hereby adopted and legalized.

Former sur-
veys in the
Rainy River
District
adopted.

(2) The road allowances in the townships in the District of Rainy River shall be and are hereby declared to be one chain in width, such chain allowance to be that lying immediately north and east respectively of the lines of survey run upon the ground in the original survey.

Width of
road allow-
ances laid
out by De-
partment of
Interior re-
duced.

Lands detached to form part of adjoining quarter-sections or lots.

(3) The strips of land formerly forming part of the road allowances shall be detached therefrom and attached to and form part of the quarter sections or lots, as the case may be, immediately adjoining the strips of land on the east and north thereof.

Present quarter-section posts or lot posts to remain.

(4) The quarter section posts or lot posts intended to define on the ground the limits of the quarter sections or lots in such townships shall continue to be the governing points notwithstanding the addition hereby made to the respective quarter sections or lots. R.S.O., 1897, c. 30, s. 2.

Governing line in sections or blocks of 2,400, 1,800, 1,000 or 640 acres.

31.—(1) In a section or block of 1,800 acres or thereabouts the governing line of the side lines shall also be the governing line between the aliquot parts of the lots where they are divided north and south, if not otherwise intended in the original survey.

Division lines between north and south halves and east and west halves.

(2) The division line between the north and south halves of any unbroken lot in such section or block shall be a line joining the midway points between the front and rear angles of the lot, and the division line between the east and west halves of such lot shall be a line drawn on the same astronomical course as the side lines in such section or block from a point on the front of such line midway between the front angles thereof.

Application of section.

(3) The provisions of this section shall apply to a section or block of 2,400 acres, 1,000 acres or 640 acres or thereabouts, and in dividing the lots into quarters, or other aliquot parts, the same method shall be adopted. *New.*

Proceedings where monuments or posts cannot be found in certain townships.

32. Where a surveyor is employed to run any boundary line of, or any dividing line or limit between any sections, quarter-sections, or other aliquot parts of any section in any township in the Rainy River District subdivided into sections, in accordance with the Dominion Lands system of survey, or in any of the following townships and parts of townships in the Districts of Algoma and Thunder Bay, namely, Rutherford, Salter, Victoria, all that portion of Shedden south of the fourth concession, the Townships of Spragge, Esten, Thompson, all that portion of Patton south of the third concession, the Townships of Thessalon River, Lefroy, Rose, Laird, Meredith, Macdonald, Tarentorus, Aweres, Vankoughnet, Awenge, Korah, Pennefather, Fenwick, sections 31 to 36, both inclusive, of the Township of Haviland, the Townships of Tilley, Parke, Prince, Dennis, Kars, Fisher, Palmer, Herrick, Ryan, Blake, Crooks, Pardee, McIntyre, Macgregor, McTavish, Homer, and Byron, and the post or monument planted, erected or marked in the

original survey to define the corner of any such section, quarter-section or other aliquot part cannot be found, the surveyor shall obtain the best evidence that the nature of the case admits of respecting such post or monument; but, if the position of the same cannot be satisfactorily so ascertained, he shall proceed as follows:

- (a) If the lost post or monument is that of a township corner, he shall report the circumstances to the Minister, who shall instruct him how to proceed; 6 Edw. VII., c. 10, s. 2; R.S.O., 1897, c. 181, s. 29.
- (b) If the lost post or monument is that of a section or quarter-section corner on the boundary line of a township, he shall renew the same by joining the nearest original blazes, quarter-section or section corners on such boundary by a straight line, and shall give to each section or quarter-section a breadth proportionate to that shown on the original plan and field notes thereof, of record in the Department, having first taken into account and made due allowance for any roads shown on the plan and field notes;
- (c) If the lost post or monument is that of a section corner in the interior of a township, he shall renew the same by intersecting the straight lines adjoining the nearest original blazes, or original quarter-section or section corners, on the adjoining intersecting section boundaries; and where the nearest section corner on any side of the lost post or monument is on a township boundary, and that post or monument, and also the intervening quarter-section posts or monuments are lost, and there are no original blazes between such corners, the surveyor shall first renew the posts or monuments on the section corner or corners on such township boundary in accordance with the provisions of the next preceding clause;
- (d) If the lost post or monument is that of a quarter-section corner in the interior of a township, he shall renew the same by joining the nearest original blazes or adjacent section corners, determined, if necessary, as hereinbefore provided, and shall give to each of the adjacent quarter-sections a breadth proportionate to that shown on the original plan and field notes;
- (e)

(e) In laying out interior boundaries of half-sections or of quarter-sections he shall connect the opposite quarter-section corners, determined, if necessary, as hereinbefore provided by straight lines;

(f) In laying out interior boundaries of other aliquot parts of any section he shall give to each aliquot part its proportionate share of breadth and interior depth and connect the resulting terminal points by straight lines. R.S.O., 1897, c. 181, s. 29.

What shall be deemed the front of a concession where only a single row of posts planted.

Side lines in such cases.

33. The front of each concession in any township, where only a single row of posts has been planted on the concession lines, and the lands have been described in whole lots, shall be that end or boundary of the concession which is nearest to the boundary of the township from which the concessions thereof are numbered; and where the line in front of any such concession was not run in the original survey, the division or side lines of the lots in such concession shall be run from the original posts or monuments placed or planted on the front line of the concession in the rear thereof, on the same course as the governing line determined in the prescribed manner, to the depth of the concession—that is, to the centre of the space contained between the lines in front of the adjacent concessions, if the concessions were intended in the original survey to be of an equal depth, or, if they were not so intended, then to the proportionate depth intended in the original survey, as shown on the plan and field notes thereof of record in the Department, having due regard to any allowance for a road made in the original survey; and a straight line joining the extremities of the division or side lines of any lot in such concession so drawn shall be the true boundary of that end of the lot which was not run in the original survey. R.S.O., 1897, c. 181, s. 30.

In township fronting on a river or lake, how division lines to be drawn if no posts planted to mark the width of lots.

34.—(1) In those townships in which any concession is wholly bounded in front by a river or lake or other natural boundary where no posts or other boundary marks were planted or made in the original survey on the bank of such river or lake or natural boundary to regulate the width in front of the lots in the broken front concessions, the division or side lines of the lots in such broken front concessions shall be drawn from the posts or other boundary marks on the concession line in rear thereof, on the same course as the governing line, determined in the prescribed manner, to the river, lake or natural boundary in front.

(2) Where any concession is bounded in front at either end, in part, though not wholly, by a river, lake or other

natural

natural boundary, and no posts or other boundary marks were planted or made in the original survey on the bank of such river, lake or natural boundary to regulate the widths of the lots broken thereby, the division or side lines of such broken lots shall be drawn from points on the rear of the concession, determined by measuring off the widths proportionately as intended in the original survey, from the intersection of the division or side line of the last whole lot of the original survey with the rear line of the concession, on the same course as the governing line so determined, to the river, lake or natural boundary in front. R.S.O., 1897, c. 181, s. 31.

35. In those townships in which the concessions have been surveyed with double fronts—that is, with posts or monuments placed or planted on both sides of the allowances for roads between the concessions, and the lands have been described in half lots, the division or side lines shall be drawn from the posts or monuments at both ends to the centre of the concession, and each end of such concession shall be the front of its respective half of such concession, and a straight line joining the extremities of the division or side lines of any half lot in such concession, so drawn, shall be the true boundary of that end of the half lot which has not been bounded in the original survey. R.S.O., 1897, c. 181, s. 32.

36. Where a double front concession is not of the full depth, the division or side lines shall be drawn from the posts or monuments at both ends thereof, to the centre of the concession, as provided in the next preceding section, without reference to the manner in which the lots or parts of lots in such concession were described for patent. R.S.O., 1897, c. 181, s. 33.

(As to roads connecting side lines in double front concessions, see s. 663 of The Consolidated Municipal Act, 1903.)

37. In those townships in which each alternate concession line only has been run in the original survey, but with double fronts, the division or side lines shall be drawn from the posts or monuments on each side of such alternate concession lines to the depth of a concession—that is, to the centre of the space contained between such alternate concession lines, if the concessions were intended in the original survey to be of an equal depth, or if they were not so intended, then to the proportionate depth intended in the original survey, as shown on the plan and field notes thereof of record in the Department; and each alternate concession line shall be the front of each of the two concessions abutting thereon. R.S.O., 1897, c. 181, s. 34.

As to lands
in adjoining
concessions
included in
the same
grant.

38. Where a Crown patent, grant, or other instrument, has been issued for several lots or parcels of land in concessions adjoining each other, the side lines or limits of the lots or parcels of land therein mentioned shall commence at the front angles of such lots or parcels of land respectively and shall be run as hereinbefore provided, and shall not continue on in a straight line through several concessions—that is to say, each lot or parcel of land shall be surveyed and bounded according to the provisions of this Act, independently of the other lots or parcels mentioned in the same patent, grant or instrument. R.S.O., 1897, c. 181, s. 35.

Division
lines—How
run in
joining front
and rear ends
of governing
lines.

39. Every surveyor employed to run any division line between lots, or any line required to run on the same astronomical course as any division line or side line in the concession in which the land to be surveyed lies, shall run such division line or side line on the same astronomical course (which he shall determine by astronomical observation or by other satisfactory method) as the straight line joining the front and rear ends of the governing boundary line of the concession or section, if so intended in the original survey, or at such angle therewith as is stated in the plan and field notes, and the same shall be deemed to be the true course of such governing or boundary line for all the purposes of this Act, although such governing or boundary line as marked on the ground is curved or otherwise deviates from a straight course, and if a line is to be run at any angle with a front line or other line which is not straight, the ends of such front or other line shall be joined as above provided. R.S.O., 1897, c. 181, s. 36.

Cases where
the original
post or
monument
cannot be
found, pro-
vided for.

40.—(1) Where a surveyor is employed to run any side line or line between lots, and the original post or monument from which such line should commence cannot be found, he shall obtain the best evidence that the nature of the case admits of, respecting such side line, post, monument or line between lots; but if the same cannot be satisfactorily ascertained, then the surveyor shall measure the true distance between the nearest undisputed posts, limits or monuments, and divide such distance into such number of lots as the same contained in the original survey, assigning to each a breadth proportionate to that intended in the original survey, as shown in the plan and field notes thereof, of record in the Department; and if any part of the line in front of the concession in which such lots are situate, or boundary of the township in which such concession is situate, has been obliterated or lost, then the surveyor shall run a line between the two nearest points or places, where such line can be clearly and satisfactorily ascertained, in the manner provided in this Act, and shall plant all such intermediate posts

or monuments as he may be required to plant, in the lines so ascertained, having due regard to any allowance for a road or commons, set out in the original survey; and the limits of each lot so found shall be the true limits thereof.

(2) In double front or alternate concessions, where an original post or monument cannot be found, any original post or monument still standing, or the position of which is satisfactorily established on the opposite side of the concession road allowance or on the centre line thereof, shall constitute the best evidence within the meaning of subsection 1 for the purpose of establishing the position of such missing post or monument. R.S.O. 1897, c. 181, s. 37.

Evidence for establishing location of missing monument.

41. In a township in which the side lines of the lots were drawn in the original survey, a surveyor when called upon to determine any disputed boundary, shall ascertain and establish the division or side lines of the lots by running them as they were run in the original survey whether the same were in the original survey run from the front of the concession to the rear, or from the rear of the concession to the front, and shall adhere to all posts, limits or monuments, planted or marked on the division or side lines in the original survey, as being or designating corners of lots under such original survey. R.S.O. 1897, c. 181, s. 38.

Side lines in original survey to be adhered to.

42. A blind concession line or a line not run in the original survey shall be established by dividing proportionately, as intended in the original survey, the distance between the front angles of the respective lots in such concessions, and lines joining the points so ascertained shall be the boundary between the concessions. *New.*

Blind concession lines or lines not run in original survey.

43. Where the front of a concession is wholly or in part broken by a lake, river or other natural boundary, the rear boundary of the adjacent concession or part of the concession shall be established by giving to such adjacent concession or part of concession the depth shown on the original plan and field notes. *New.*

Broken front concessions.

44.—(1) Subject to the provisions of *The Registry Act* as to the amendment or alteration of plans, all allowances for roads, streets or commons, surveyed in a city, town, village or township, or any part thereof, which have been or may be surveyed and laid out by companies or individuals and laid down on the plans thereof, and upon which lots fronting on or adjoining such allowances for roads, streets, or commons have been or may be hereafter sold to purchasers, shall be public highways, streets and commons.

Allowances for roads laid out by private owners.

16 Edw. VII., c. 60.

What to be true and unalterable boundaries.

(2) All lines which have been or may be run, and the courses thereof given in the survey of such city, town, village or township, or part thereof, and laid down on the plans thereof, and all posts or monuments which have been or may be placed or planted in the first survey of such city, town, village or township, or part thereof, to designate or define any allowances for roads, streets, lots or commons, shall be the true and unalterable lines and boundaries thereof respectively.

Methods of original survey to be followed.

(3) A surveyor employed in establishing or re-establishing the boundaries of any road, street, common or lot, shown on such plan, or on any registered plan in such city, town, village or township, or part thereof, shall follow the method adopted in making the original survey of the same, as shown by such plan, and shall give to each lot the exact or proportionate dimensions as shown thereon.

Lots not to be laid out so as to interfere with allowance for roads.

(4) No such lot shall be so laid out as to interfere with, obstruct, shut up, or be composed of any part of any allowance for road or common, which was surveyed and reserved in the original survey.

Validity of private survey.

(5) No such survey shall be valid unless performed by a surveyor. R.S.O. 1897, c. 181, s. 39. Amended.

Allowance for road when closed to belong to adjoining owner.

10 Edw. VII. c. 60.

Rev. Stat. c. 138.

(6) Where under subsection 1 an allowance for a road or street laid down upon a plan is a public highway but the municipal corporation has not assumed it for public use, and the allowance or any part thereof is closed by an alteration of the plan under *The Registry Act*, *The Land Titles Act*, or other provisions in that behalf, the allowance, or part thereof, so closed shall belong to the owners of the lands abutting thereon.

How owners of abutting lands to take.

(7) Where several parcels of land having different owners abut on the allowance, or part thereof, so closed, the owner of each parcel shall be entitled to that part of the allowance so closed on which his land abuts to the middle line of the allowance, and where there are several owners of an abutting parcel each shall be entitled to the like estate or interest in such part as he has in the parcel of land abutting thereon.

When allowance abuts on one side on a stream, etc.

(8) Where any part of the allowance so closed is abutted on one side by another road or street or by a stream, river or other body of water over which the public have rights of navigation or of floating logs the whole width of such part shall belong to the owners whose lands abut thereon opposite such street, stream, river or water.

(9) The division line between two adjoining parcels produced to the middle line of the closed allowance or across such allowance in cases coming within subsection 8 shall be the division line between the parts of the closed allowance to which the owners of such parcels are respectively entitled.

Division line between adjoining parcels.

(10) Where there is an incumbrance on a parcel of land abutting on the allowance, or part thereof, closed it shall extend to and include the part thereof to which the owner of such parcel becomes entitled under this section. 63 Vic. c. 17, s. 22.

When incumbrancers to be deemed owners.

(As to repairs of roads, etc., see s. 607 of *The Municipal Act*.)

45. Every surveyor shall keep exact and regular journals and field notes of all his surveys, and shall file them in the order of time in which the surveys have been performed, and shall give copies thereof to any person concerned when so required on payment of \$1 for each copy, if the number of words therein does not exceed four hundred words, and ten cents for every additional hundred words. R.S.O. 1897, c. 181, s. 40.

Surveyor's journals and field-notes.

46.—(1) For better ascertaining the original limits of any township, concession, range, lot or tract of land, every surveyor shall administer an oath to any person whom he examines concerning any boundary, post or monument, or any original landmark, line, limit or angle of any township, concession, range, lot or tract of land which such surveyor is employed to survey. R.S.O. 1897, c. 181, s. 41.

Administration of oaths by surveyor.

(2) The evidence taken by the surveyor shall be reduced to writing and shall be read over to and be signed by the person giving the same, or, if he cannot write, such person shall acknowledge it as correct before two witnesses, who, as well as the surveyor, shall sign the same.

Evidence—How to be taken down.

(3) The evidence shall, and any document or plan prepared and sworn to by a surveyor, as correct, with reference to any survey by him performed may be filed and kept in the registry office of the registry division, or in the land registry of the county or district, in which the land to which the same relates is situate, subject to be produced thereafter in evidence in any Court.

Filing evidence, documents, etc., in registry office.

(4) The fee for receiving and filing the same shall be twenty-five cents; and the expense of filing shall be borne by the parties in the same manner as the other expenses of the survey. R.S.O. 1897, c. 181, s. 42.

Fees.

Repeal.

47. Chapter 181 of the Revised Statutes, 1897, and section 22 of chapter 17 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria, section 16 of chapter 12 of the Acts passed in the 1st year, section 43 of chapter 10 of the Acts passed in the 4th year and chapter 31 of the Acts passed in the 7th year of the reign of His late Majesty King Edward the Seventh are repealed.

(Sections 531 and 532 of *The Criminal Code* are as follows):—

531. Every one is guilty of an indictable offence and liable to seven years imprisonment who wilfully pulls down, defaces, alters or removes any mound, land mark, post or monument lawfully erected, planted or placed to mark or determine the boundaries of any province, county, city, town, township, parish or other municipal division.

532. Every person is guilty of an indictable offence and liable to five years imprisonment, who wilfully defaces, alters or removes any mound, land mark, post or monument lawfully placed by any land surveyor to mark any limit, boundary or angle of any concession, range, lot or parcel of land.

2. It is not an offence for any land surveyor in his operations to take up such posts or other boundary marks when necessary, if he carefully replaces them as they were before.

FORM 1.

SURVEYOR'S RETURN.

Township of.....

County of.....

I hereby certify that the following lot lines in the above township were run by me during the year ending December 31st, 19 , under the provisions of *The Surveys Act*.

Line between.	Concession.	Date.
Lot and Lot		
Etc., etc.		

Dated at , this day of , 19 .
A. B.,

Ontario Land Surveyor.

R.S.O. 1897, c. 181, Sched. D.

CHAPTER 43.

An Act respecting the Profession of Architects.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	FALSELY USING TITLE IMPLYING REGISTRATION, s. 24.
ONTARIO ASSOCIATION, ss. 2, 3.	FALSIFYING REGISTER, ss. 25, 26.
MEMBERSHIP, s. 4.	ANNUAL REGISTER, s. 27.
COUNCIL, s. 5.	WITNESS FEES, s. 28.
Qualification of Members, s. 6.	ARCHITECT GIVING FALSE CERTIFICATE, PENALTY, s. 29.
Election, ss. 7-12.	RECOVERING FEES AND PENALTIES, s. 30.
Meetings of; and of Association, ss. 13-16.	SERVICE OF NOTICES, ETC., s. 31.
Payment of Members, ss. 17, 18.	FUNDS AND ACCOUNTS, ss. 32, 33.
Powers of, s. 19.	REPEAL, s. 34.
OFFICERS, ss. 12, 18.	
STUDENTS, s. 20.	
ADMISSION TO REGISTRATION, ss. 21-23.	

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Architects' Act*. Short title. R.S.O. 1897, c. 182, s. 1.

2. The Ontario Association of Architects, hereinafter ^{Corporate} called "The Association," is hereby continued. R.S.O. 1897, ^{powers.} c. 182, s. 2.

3. The Association may purchase, take and possess for ^{Power to} the purposes of the Association, but for no other purpose, and ^{acquire and} after acquiring the same, may sell, mortgage, lease or dispose ^{deal with} of any real estate. ^{real estate.} *New.*

4. The persons who are now members of the Association ^{Member-} and all persons who shall be hereafter registered as archi- ^{ship.} tects under this Act shall be members thereof, subject to the by-laws of the Association and to the provisions of this Act. R.S.O. 1897, c. 182, s. 3.

5. There shall be a Council of Management of the Associa- ^{Council of} tion, hereinafter called "The Council," to be appointed in ^{Manage-} the manner provided by this Act. R.S.O. 1897, c. 182, s. 4.

Council,
how com-
posed.

6.—(1) The Council shall be composed of nine persons, who shall be British subjects, and have resided and practised the profession of architecture within Ontario for at least ten years.

Quorum.

(2) Any five members of the Council shall form a quorum. R.S.O. 1897, c. 182, s. 5.

Election.

7. The members of the Council shall be elected by ballot, in such manner as may be provided by the by-laws of the Association, at its annual meeting, or at a special meeting called for that purpose and the members of the Association obtaining the greatest number of votes shall be declared elected. R.S.O. 1897, c. 182, s. 6.

Qualifica-
tion.

8. No person shall be eligible for election to the Council, or qualified to fill any vacancy therein, or to vote for any member thereof unless duly qualified under the provisions of this Act and the by-laws of the Association. R.S.O. 1897, c. 182, s. 7.

Term of
office.

9. Except in the case of an election or an appointment to fill a vacancy caused by death or resignation, the members of the Council shall hold office for the term of three years, three retiring each year. R.S.O. 1897, c. 182, s. 8.

Vacancies,
how filled.

10.—(1) In case of the resignation or death of any member or members of the Council not exceeding four, the other members may fill the vacancies to hold office, until the time of the holding of the next annual meeting, provided that such meeting is not to be held within three months of the occurring of such vacancies.

Special
meeting.

(2) In case of the resignation or death of five or more members of the Council, the President or the Vice-President of the Association, or in case of their default for a period of ten days, any five members in good standing may call a special meeting of the Association upon a notice of not less than ten days, for the purpose of filling the vacancies.

Election,
how deter-
mined.

(3) In case of an election to fill the vacancies referred to in subsections 1 and 2, the member receiving the greater number of votes shall be considered the member elected to fill the vacancy which will require the longer term to expire, and so on until the vacancies are filled. R.S.O. 1897, c. 182, s. 9.

Proceedings
where elec-
tion dis-
puted.

11. In case of any doubt or dispute as to who has been elected a member of the Council, or as to the legality of the election of any member, the other duly elected members shall be a committee to hold an enquiry and decide who is the

legally

legally elected member, and the person whom they decide to have been elected shall be deemed to be legally elected, and if the election is found to have been illegal, the committee shall order a new election. R.S.O. 1897, c. 182, s. 10.

12. The Council shall annually elect from amongst its members a President and two Vice-Presidents, and shall appoint a Registrar, a Treasurer, a Solicitor, an Auditor and such other officers as may be deemed necessary for carrying out the objects of this Act, who shall hold office during the pleasure of the Council, and who shall, as well as being officers of the Council, hold the like positions as officers of the Association. R.S.O. 1897, c. 182, s. 11.

Election of officers.

13. Meetings of the Association and of the Council shall be held at such times and places as may be fixed by the laws of the Association or Council respectively; and in the absence of any rule or regulation as to the summoning of meetings of the Association, or of the Council, the President, or in the event of his absence or death, the Registrar, may summon the same for such time and place as he may think fit, by notice to be mailed to each member. R.S.O. 1897, c. 182, s. 12.

Power to regulate meetings of Council and Association.

14. In the event of the absence of the President from any meeting, either of the Vice-Presidents, or in their absence, some other member to be chosen from among the members present, shall act as President. R.S.O. 1897, c. 182, s. 13.

Who to preside at meetings.

15. All questions submitted to the Association or to the Council shall be decided by a majority of the members present, not being less than five in number in the case of the Council, and twenty in the case of the Association. R.S.O. 1897, c. 182, s. 14.

Majority to decide questions.

16. At all meetings the President for the time being shall have only a casting vote, and in the case of a tie at an election he shall have a casting vote in addition to his vote as a member of the Association. R.S.O. 1897, c. 182, s. 15. *Amended.*

Casting vote.

17. There shall be paid to the members of the Council such fees for attendance, and such reasonable travelling expenses, as may be fixed by by-law of the Association passed at an annual meeting. R.S.O. 1897, c. 182, s. 16.

Payment of expenses of members of Council.

18. The Council may by by-law fix the salaries or fees to be paid to the officers of the Association and to the Board of Examiners hereinafter provided for. R.S.O. 1897, c. 182, s. 17.

Salaries

Powers of
Council.

19. The Council may:—

Examiners.

(a) Appoint an examiner, or examiners, for the purpose of ascertaining and reporting upon the qualification of all persons who apply for admission and registration as students at any matriculation, preliminary, intermediate or final examination;

Admission
of students,
etc.

(b) Make all necessary rules, regulations and by-laws respecting the admission and registration of students, the periods and conditions of study, and the registration of architects as members of the Association and all matters relating to the discipline and honour of the profession;

Fees.

By-laws

(c) Regulate and fix the admission and annual fees payable by students and architects, and make all rules, regulations and by-laws necessary for the proper carrying out of the provisions of this Act;

Diplomas of
foreign in-
stitutions.

(d) Enact by-laws as to the terms upon which it will accept the matriculation or other certificates of colleges and other institutions not in Ontario. R.S.O. 1897, c. 182, s. 18.

Matricu-
lants in arts
not required
to pass pre-
liminary ex-
amination.

20. Any student who has matriculated in Arts in any University in His Majesty's Dominions, or in the Faculty of Applied Science and Engineering of the University of Toronto shall not be required to pass the preliminary examination. R.S.O. 1897, c. 182, s. 19.

Admission
of other
persons.

21. Any person who applies for registration as an architect shall not be less than twenty-one years of age, and shall have served as a student not less than five years with a principal entitled to register under this Act, or with any other principal approved by the Council and shall have passed the prescribed qualifying examinations. R.S.O. 1897, c. 182, s. 21.

Admission
of students
to practise.

22.—(1) All students desirous of entering the profession of architecture shall be presented by a member of the Council, and shall cause their full names to be entered with the Registrar and shall pay such fees and submit to such examinations as shall be prescribed.

Graduates
of Faculty
of Applied
Science and
Engineering.

(2) A graduate of the Faculty of Applied Science and Engineering of the University of Toronto shall be required to serve only three years as a student, one of which three years may be served during the vacations of such school.

(3) Students shall hereafter serve such term as is required to be served by the provisions of this Act, under indenture, to a registered architect, which indenture and any assignment thereof with affidavit of execution thereto attached shall be filed with the Registrar upon payment of such fee as the Council may by regulation direct. R.S.O. 1897, c. 182, s. 22.

Term of service as students.

23. The Registrar shall keep a register to be called "The General Register," Form 1, of all persons entitled to be registered under this Act, and shall enter opposite the names of all registered persons who have died a statement of that fact, and shall make all necessary alterations in the addresses of persons registered and, subject to the provisions of this Act, shall keep the register in accordance with the by-laws and regulations of the Council. R.S.O. 1897, c. 182, s. 23.

Amended.

Registrar to keep correct register.

24.—(1) No person shall be entitled to take or use the name or title of "Registered Architect," either alone or in combination with any other word or words, or any name, title or description, implying that he is registered under this Act, unless he is so registered.

Using title "Registered Architect" while unregistered.

(2) Any person who, not being registered under this Act, takes or uses any such name, title or description, shall incur a penalty not exceeding \$25 for the first offence, and not exceeding \$100 for each subsequent offence. R.S.O. 1897, c. 182, s. 24.

Penalty.

25. If the Registrar wilfully makes or causes to be made, any falsification in any matter relating to the register, he shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months. R.S.O. 1897, c. 182, s. 25.

Penalty for registrar falsifying register.

26. Any person who wilfully procures, or attempts to procure, registration under this Act by making, or producing, or causing to be produced or made any false or fraudulent representation, or declaration, either verbally or in writing, that he is entitled to such registration, shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months. R.S.O. 1897, c. 182, s. 26.

Penalty for procuring false registration.

27.—(1) The Registrar shall, in every year under the direction of the Council, cause to be printed, published and kept for inspection at his office, free of charge, a register, Form 2, to be called "The Architects' Register," of the names, in alphabetical order according to the surnames, with the respective residences of all persons appearing on the general register on the next preceding first day of January.

Register of practitioners to be kept.

Copy to be
evidence.

(2) A copy of such register, purporting to be so printed and published, shall be evidence in all Courts, and before all Justices of the Peace and others, that the persons therein mentioned are registered according to the provisions of this Act.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar, of the entry of the name of such person in the general register, shall be evidence that such person is registered under the provisions of this Act. R.S.O. 1897, c. 182, s. 27.

Witness
fees of
architects.

28. Every architect summoned to attend any civil or criminal court for the purpose of giving evidence in his professional capacity, for each day he so attends, shall be entitled to \$5 in addition to his travelling expenses to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such Court. R.S.O. 1897, c. 182, s. 28.

Penalty in
case archi-
tect makes
a false cer-
tificate.

29. Every architect who wilfully makes any false certificate in respect of any work done, or the value or condition of any work or building, besides being liable in damages for any injury thereby suffered shall incur a penalty not exceeding \$100. R.S.O. 1897, c. 182, s. 29.

Recovery of
fees and
penalties.

10 Edw.
VII., c. 37.

30.—(1) All fees payable under this Act may be recovered as ordinary debts due to the Association; and all penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Payment
over of
penalties.

(2) All penalties recovered under this Act shall immediately upon the recovery thereof be paid by the convicting Magistrate to the Registrar.

Prosecutor
or complain-
ant.

(3) Any person may be prosecutor or complainant under this Act, and the Council may allot such portion of the penalties as it deems expedient to the prosecutor. R.S.O. 1897, c. 182, s. 30.

Service of
notices.

31.—(1) Except as herein otherwise provided all notices and documents required by or for the purposes of this Act to be sent, may be sent by registered post, and shall be deemed to have been received at the time when the same would be delivered in the ordinary course of the mail.

What to be
deemed
proper ad-
dress.

(2) Such notices and documents when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address registered in the general register. R.S.O. 1897, c. 182, s. 31.
Amended.

FORM 2.

THE ARCHITECTS' REGISTER.

1st January, 19 .

Name.	Date of Regis- tration.	Title or Distinction (if any).	Residence.

R.S.O. 1897, c. 182, Sched. A.

CHAPTER 44.

An Act respecting the Chartered Stenographic Reporters' Association of Ontario.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	REGISTER, s. 12.
INTERPRETATION, s. 2.	DIPLOMAS AND CERTIFICATES, s. 13.
CHARTERED STENOGRAPHIC REPORTERS' ASSOCIATION, s. 3.	ENTRANCE AND ANNUAL FEES, s. 14.
POWER TO ACQUIRE LAND, s. 4.	UNQUALIFIED PERSONS USING TITLE, s. 15.
MEMBERSHIP, s. 5.	SUSPENSION AND EXPULSION OF MEMBERS, s. 16.
EDUCATIONAL POWERS, s. 6.	RECOVERING FEES AND PENALTIES, s. 17.
BY-LAWS, s. 7.	MEMBER'S PERSONAL REPRESENTATIVE TO HAVE NO INTEREST IN FUNDS, s. 18.
COUNCIL, ELECTION OF, s. 8.	
OFFICERS TO BE APPOINTED, s. 9.	
ADMITTING MEMBER BY COUNCIL, s. 10.	
ANNUAL MEETINGS, s. 11.	

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Stenographic Reporters' Association of Ontario Act*. R.S.O. 1897, c. 183, s. 1. Short title.

2. In this Act,

“The Association” shall mean The Chartered Stenographic Reporters' Association of Ontario. *New.* Interpretation.

3. The Association is hereby continued. R.S.O. 1897, c. 183, s. 2, *part.* Association continued.

4. The Association may purchase, take and possess for the purposes of the Association but for no other purpose, and after acquiring the same may sell, mortgage, lease or dispose of any real estate the annual value of which shall not at any time exceed \$5,000. R.S.O. 1897, c. 183, s. 2, *part.* Power to hold land.

5. Subject to the provisions of this Act and to the by-laws of the Association, the Association shall consist of its present members and all persons who shall cause their names

to

to be registered under the provisions of this Act. R.S.O. 1897, c. 183, s. 3.

Educational
powers.

6.—(1) The Association shall have power to promote and increase by all lawful means the knowledge, skill and proficiency of its members in all things relating to the business or calling of a stenographer, and to that end to establish classes, lectures and examinations and prescribe such tests of competence, fitness and moral character as may be thought expedient to qualify for admission to membership, to grant diplomas and certificates of efficiency, and to authorize its members to use the distinguishing title "Chartered Stenographic Reporter" or the letters C.S.R.

Examination
of students
and affilia-
tion.

(2) The Association may also prescribe for students of stenography, who desire to become members of the Association, such examinations and may grant to them such certificates of competency as it sees fit; and may organize the students into a society in affiliation with itself for study and mutual improvement. R.S.O. 1897, c. 183, s. 4.

Power to
make by-
laws.

7.—(1) The Association, in general or special meeting assembled after due notice, may pass by-laws for carrying out its objects.

(2) Unless otherwise provided by the by-laws, no new by-law shall be passed, nor shall any by-law be altered or repealed except by a two-thirds vote of the members present at a meeting of the Association, and only after at least two weeks' notice in writing of the proposed alteration or repeal shall have been given or mailed to each member. R.S.O. 1897, c. 183, s. 5. *Amended.*

Members of
Council.

8.—(1) The affairs, business and concerns of the Association shall be managed by a Council composed of nine persons who shall be British subjects, who have resided and practised the profession of stenography within Ontario for at least five years.

Election by
voting
papers.

(2) The members of the Council shall be elected by voting papers in the manner provided for by the by-laws at the annual meeting, or at a special meeting called for that purpose, and the members obtaining the greatest number of votes shall be declared elected.

Only qual-
ified members
eligible for
Council.

(3) No person shall be eligible for election to the Council or qualified to fill any vacancy therein or to vote for any member thereof, unless duly qualified under the provisions of this Act and the by-laws of the Association. R.S.O. 1897, c. 183, s. 7, *part.*

(4) The members of the Council in office at the time of the passing of this Act shall respectively hold office for the remainder of the term for which they were elected, and until their successors are chosen. *New.*

(5) Subsequently elected members shall hold office for three years from the time of their election and until their successors are chosen. *New.*

(6) A member chosen to fill a vacancy shall hold office for the residue of the term for which his predecessor was elected or appointed. *New.*

(7) Five members of the Council shall form a quorum. *Quorum.*
R.S.O. 1897, c. 183, s. 7, *amended.*

9.—(1) At the close of the annual meeting the Council shall meet and choose from among themselves a President, a Vice-President, a Secretary, a Treasurer and such other officers as may be provided for by the by-laws. Officers of the Association.

(2) In the event of the office of President becoming vacant the Vice-President shall become President for the remainder of the term. Filling vacancies

(3) All other vacancies among the officers or the members of the Council shall be filled by the Council.

(4) The Council may remove any officer for misconduct or other sufficient cause, and may appoint his successor for the remainder of the term. R.S.O. 1897, c. 183, s. 6.

10.—(1) The Council may, by a vote of two-thirds of all the members thereof, admit to membership in the Association without examination a stenographic reporter who by reason of his professional reputation and standing is deemed qualified for membership. Admission by vote of Council. R.S.O. 1897, c. 183, s. 9.

(2) The Council may also by a two-thirds vote of all its members, admit as honorary members of the Association, such persons resident in Ontario or elsewhere as they may deem deserving. *New.*

(3) An honorary member shall not be entitled to vote at an election or at a meeting of the Association or to be elected a member of the Council. *New.*

11. The annual meeting of the members of the Association for the election of the Council, and for such other business as may be brought before such meeting, shall be Time and place of annual meeting.

held

held at such time and place and under such regulations and after such notices as the by-laws of the Association shall prescribe. R.S.O. 1897, c. 183, s. 10.

Register of members to be kept.

12.—(1) The Council shall cause to be kept by the Secretary a register, in which shall be entered in alphabetical order the names of all members in good standing; and those members only whose names are entered in the register shall be entitled to the privileges of membership; and the register shall at all times be open to inspection by any person free of charge.

Register or copy to be *prima facie* evidence of membership.

(2) The register, or a copy of it certified by the Secretary, shall be *prima facie* evidence that the persons therein named are members of the Association in good standing. R.S.O. 1897, c. 183, s. 11.

Limitation of term of diplomas and certificate.

13. The Association may limit the term of all diplomas and certificates granted by it to one year from the date of granting the same, and may withhold the granting or renewal of the same, together with all the other privileges of membership, from any person who neglects to pay the prescribed fees when they are due and so long as they remain unpaid. R.S.O. 1897, c. 183, s. 12.

Entrance and annual fees.

14.—(1) The Council may fix an entrance and an annual fee to be paid by all members to the Association, and may vary the amount from time to time; and no member shall be personally liable for any debt of the Association beyond the amount of his unpaid fees.

Examination fees.

(2) The Council may also prescribe examination fees to be paid by applicants for examination. R.S.O. 1897, c. 183, s. 13.

Penalty for using the title C.S.R. when not registered.

15.—(1) No person shall be entitled to take or use the title of "Chartered Stenographic Reporter," or the letters "C.S.R.," either alone or in combination with any other words, or any name, title or description implying that he is a member of the Association, unless he is a member in good standing.

(2) Every person who uses such title or such letters contrary to the provisions of this section shall incur a penalty not exceeding \$25 for the first offence and not exceeding \$100 for each subsequent offence recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 183, s. 14.

10 Edw. VII. c. 37.

Suspension and expulsion of members.

16. The Association may by by-law provide for the suspension or expulsion, after due enquiry, of any member for

misconduct

misconduct or violation of the by-laws of the Association.
R.S.O. 1897, c. 183, s. 15.

17.—(1) All fees payable under this Act may be recovered as debts due to the Association.

Recovery of fees and penalties due the Association.

(2) Penalties recovered under the authority of this Act shall be paid immediately on the recovery thereof by the convicting Justice to the Treasurer of the Association.

Penalties when recovered to be paid to the treasurer.

(3) The Council may allot such portion of a penalty as may be deemed expedient to the prosecutor or complainant.
R.S.O. 1897, c. 183, s. 16.

18. If a person ceases to be a member of the Association he shall not, nor shall his representatives, have any interest in or claim against the funds or property of the Association.

Ex-members to have no claims against the funds.

R.S.O. 1897, c. 183, s. 18.

19. Chapter 183 of the Revised Statutes, 1897, is repealed.

Repeal.

CHAPTER 45.

An Act respecting Veterinary Surgeons.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Veterinary Surgeons Act*.

[*Note. Sec. 1 repealed by 9 Edw. VII. c. 96, s. 16.*]

Witness fees of veterinary practitioners. **2.** Any veterinary practitioner holding the diploma of the Agriculture and Arts Association or that of the Ontario Veterinary College or any other diploma or certificate declared by the Lieutenant-Governor in Council to entitle the holder thereof to use the title veterinary surgeon, shall be entitled to professional fees in attending any Court of law as a witness in such cases as relate to the profession. R.S.O. 1897, c. 184, s. 2.

Penalty for wrongfully assuming title of veterinary surgeon. **3.** Any person not possessing a diploma or proper certificate from The Ontario Veterinary College or a diploma or certificate of a college whose diplomas or certificates are declared by the Lieutenant-Governor in Council to entitle the holders thereof to use the title of Veterinary Surgeon who appends to his name the term veterinary surgeon, or any abbreviation thereof, and any person who wilfully and falsely pretends to be, or who wilfully and falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead people to infer that he is, or is recognized by law as a veterinary surgeon, within the meaning of this Act, or that he possesses a diploma or certificate from any such college, shall incur a penalty not exceeding \$100, and not less than \$25, recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 184, s. 3.

10 Edw. VII. c. 37.

Repeal. **4.** Chapter 184 of the Revised Statutes, 1897, is repealed.

CHAPTER 46.

An Act respecting The Board of Stationary Engineers.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Stationary Engineers Act*. Short title.

2. In this Act, Interpretation.

(a) "Board" shall mean the Board of Examiners appointed as hereinafter provided. "Board."

(b) "Steam plant" shall mean and include a steam boiler, a boiler and a steam engine and every part thereof and thing connected therewith or used with reference to any such boiler or engine or under the care of an engineer. 7 Edw. VII., c. 32, s. 1, *part*. *Amended*. "Steam Plant."

(c) "Minister" shall mean Minister of Agriculture. "Minister."

3. Nothing in this Act shall apply to the operation of any steam plant having a capacity of less than fifty horse power, nor to steam heating plants operating at a pressure of twenty pounds or under, nor to the operation of a locomotive engine or a steamboat or steamship engine or a hoist at a mine or quarry. 7 Edw. VII., c. 32, s. 1, *part*. Exception as to application of Act.

4. The Lieutenant-Governor in Council may appoint a Board of Examiners consisting of three competent and independent engineers, practically conversant with the construction of boilers and the operation of steam plants, who shall hold office during pleasure and who, subject to the regulations mentioned in the next following section, shall prescribe the subjects in which candidates for certificates of qualification

cation

cation as stationary engineers shall be examined, and shall conduct or provide for and supervise the examination of candidates and report thereon to the Minister. 7 Edw. VII., c. 32, s. 2.

Government regulations. 5. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations for:

Examinations and certificates. (a) The examination of candidate, the granting of certificates and the evidence to be furnished by candidates as to previous training or experience and sobriety and good character;

Duration of certificates. (b) Determining the time of duration of certificates and their renewal;

Fees. (c) Fixing the fees to be paid by candidates upon examination and for certificates and their renewal;

Prescribing causes for cancellation. (d) Prescribing the causes for which a certificate may be revoked, cancelled or suspended; and for

Remuneration of Board and staff. (e) Fixing the fees or other remuneration to be paid to the members and officers of the board. 7 Edw. VII., c. 32, s. 3.

Candidate to be British subject or resident for one year. 6. No person shall be eligible for examination unless he is a British subject or has resided in Canada for at least one year. 9 Edw. VII., c. 65, s. 1.

Issue of certificates. 7.—(1) On the recommendation of the Board and on payment of the prescribed fees the Minister may issue certificates of qualification to stationary engineers.

Cancelling certificates. (2) Subject to the regulations a certificate may be revoked, cancelled or suspended by the Minister on the recommendation of the Board at any time.

Annual registry. (3) Every stationary engineer shall, during the continuance of his certificate register with the Board on or before the 1st day of February of each year on a form to be furnished by the Board, and any stationary engineer who fails to do so shall not continue in charge of a steam plant unless by special permission of the Board. 7 Edw. VII., c. 32, s. 4.

Unqualified person not to act. 8. A person who is not the holder of a certificate shall not operate or have charge of any steam plant except in case of emergency when he may be employed in operating any

steam

steam plant for a period not exceeding thirty days at any one time. 7 Edw. VII., c. 32, s. 5.

9. The Board at its discretion may grant a provisional certificate to be good for a period not to exceed one year to any person who holds a stationary engineer's certificate from the Board of Examiners or other duly constituted authority of any other Province of Canada. *See* 10 Edw. VII., c. 26, s. 29 (2). Provisional certificate.

10. The certificates shall at all times be exposed to view in the engine or boiler room in which the holder thereof is employed, and failure to keep such certificate exposed shall be *prima facie* evidence of the lack of qualification under this Act. 7 Edw. VII., c. 32, s. 7. Certificate to be exposed in engine room.

11. This Act shall not apply to firemen or other workmen acting under the personal direction and supervision of any engineer holding a certificate under this Act who is actually in charge of a steam plant, or to the employees of engine builders or steam plant contractors engaged in installing, setting up or testing a boiler or steam plant. 7 Edw. VII., c. 32, s. 8. Firemen and other workmen not within Act.

12. Any person who deems himself aggrieved by the decision of the Board may appeal therefrom to the Minister, upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final. 7 Edw. VII., c. 32, s. 9. Appeal to Minister.

13. The Board shall on or before the 15th day of January in every year make to the Minister a report in writing for the year ending on the 31st day of December of the previous year showing: Report of Board to Minister.

- (a) The number of certificates granted, and the persons to whom the same were granted;
- (b) The number of applications for certificates refused and the causes for refusal.
- (c) The number of certificates revoked, cancelled or suspended, and the causes for the same;
- (d) The amount of fees received from candidates or holders of certificates.
- (e) Such other matters as may be directed by the Minister or the Lieutenant-Governor in Council. 7 Edw. VII., c. 32, s. 10.

Inspection
by members
of Board.

14.—(1) Any member of the Board, on presentation of authority in writing signed by the Minister may enter any premises wherein he has reason to believe there is a steam plant, and make such inspection as may be necessary to determine whether the provisions of this Act are being complied with.

Penalty.

(2) Any person who interferes with or obstructs a member of the Board in the exercise of the powers conferred on him shall incur a penalty not exceeding \$100, recoverable under *The Ontario Summary Convictions Act. New.*

10 Edw. VII.
c. 37.

Penalty for
operating
without
license.

15. Except as provided in section 8 every person who operates a steam plant as the engineer in charge thereof without the certificate required by this Act, and every person employing him or permitting him so to do shall incur a penalty of not less than \$10 nor more than \$25 recoverable under *The Ontario Summary Convictions Act.* 7 Edw. VII., c. 32, s. 11.

10 Edw. VII.
c. 37.

Factory In-
spector may
be appointed
to Board.

16. An inspector appointed under *The Ontario Factories Act* may be appointed a member of the Board, and it shall be the duty of the Inspectors of Factories to assist in the enforcement of this Act, to report to the Board any violation thereof, and to furnish to the Board such information as they may have as to the conduct and capability of any person holding or applying for a certificate. 7 Edw. VII., c. 32, s. 12.

Repeal.

17. Chapter 26 of the Acts passed in the 6th year, and chapter 32 of the Acts passed in the 7th year, and section 1 of chapter 65 of the Acts passed in the 9th year, and section 29 of chapter 26 of the Acts passed in the 10th year of His late Majesty's reign are repealed.

CHAPTER 47.

An Act respecting the Culling and Measurement of
Saw Logs cut upon Public Lands.*Assented to 24th March, 1911.*

SHORT TITLE, s. 1.
 INTERPRETATION, s. 2.
 BOARD OF EXAMINERS, ss. 3-6.
 EXAMINATIONS, s. 7.
 LICENSES, s. 8.
 OATH OF CULLERS, s. 9.
 UNLICENSED PERSONS NOT TO ACT,
 s. 10.
 DUTIES OF CULLERS, ss. 11, 12.

BOOKS AND RECORDS, s. 13.
 RETURNS, s. 14.
 CANCELLATION OF LICENSE FOR
 MISCONDUCT, ss. 15, 16.
 ACT NOT TO AFFECT REGULATIONS
 UNDER CROWN TIMBER ACT,
 s. 17.
 REPEAL, s. 18.

HIS MAJESTY, by and with the advice and consent of
 the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

1. This Act may be cited as *The Ontario Cullers Act*. Short title.
 R.S.O. 1897, c. 186, s. 1.

2. In this Act,

Interpreta-
 tion.

- (a) "Department" shall mean the Department of "Depart-
 Lands, Forests and Mines; ment."
- (b) "Minister" shall mean the Minister of Lands, "Minister."
 Forests and Mines;
- (c) "Public Lands" shall include Crown lands, school "Public
 lands and clergy lands; lands."
- (d) "Saw logs" shall include logs of pine of whatever "Saw-logs."
 length whether round or flatted. R.S.O. 1897,
 c. 186, s. 2. *Amended.*

3. The Lieutenant-Governor in Council may appoint as Examination
 many Boards of Examiners as he may deem necessary, each of applicants
 consisting of three skilled persons, any two of whom shall for licenses
 form a quorum, whose duty it shall be to examine, test and to cull and
 report upon the ability and knowledge of all applicants desir- measure
 ing saw-logs.

ing

ing to be licensed to cull and measure saw-logs, cut on Public Lands, and to perform such other duties as may be assigned to them by the Lieutenant-Governor in Council. R.S.O. 1897, c. 186, s. 3.

Oath of examiner.

4.—(1) Every Examiner, before entering on his duties, shall take and subscribe an oath to the following effect:

That I _____, will act as Examiner of Cullers to the best of my ability and knowledge, and will conduct the examinations without fear, favour or affection, and recommend for licenses only those persons who have satisfactorily proved their fitness to discharge the duties of culling and measuring saw-logs.

(2) The oath shall be transmitted to the Minister. R.S.O. 1897, c. 186, s. 4.

Fees of examiners.

5. The Lieutenant-Governor in Council may authorize the payment to each member of such Board as remuneration for his services, a sum not exceeding \$4 per day, while actually employed as such Examiner. R.S.O. 1897, c. 186, s. 5.

Sittings of boards of examiners.

6. Every Board shall sit at such places and on such dates as may be fixed by the Minister, and shall examine all candidates who present themselves before them, and at the close of the examination, or as soon after as may be, shall transmit to the Minister the names of such of the candidates as they believe are trustworthy and of good character, and who have passed a satisfactory examination, and whom they recommend as having the requisite skill and knowledge to warrant their being licensed as cullers. R.S.O. 1897, c. 186, s. 6.

Candidates to give notice and pay fees.

7. Every person intending to present himself for examination as a culler shall on or before the first day of May in any year give notice in writing to the Minister of such intention, and of his post office address, and shall pay into the Department \$4 as an examination fee. R.S.O. 1897, c. 186, s. 7.

License to cullers.

8. The Minister may issue a license to any person reported as competent to perform the duties of a culler, such license to be in the form following, and to remain in force until cancelled:—

To _____ of the (County or District) of _____

By virtue of authority vested in me by *The Ontario Cullers' Act*, I hereby authorize you to act, during pleasure, as culler of saw-logs cut on Public Lands within Ontario.

Given under my hand this _____ day of _____ 19 _____.

Minister of Lands, Forests and Mines.

R.S.O. 1897, c. 186, s. 8.

9.—(1) Before such license is issued each successful applicant shall take an oath to the following effect: Oath of applicant for license.

That I, _____, while acting as licensed culler, without fear, favour or affection, and to the best of my judgment and skill, will correctly measure all saw-logs cut on Public Lands which I may be employed to measure, and make true return of the same to the Department of Lands, Forests and Mines, or its agents.

(2) The oath shall be transmitted to the Minister. R.S.O. 1897, c. 186, s. 9.

10.—(1) No person other than a licensed culler shall make measurement of saw-logs cut upon Public Lands for the purposes of a return to the Department; but where it is made to appear to the satisfaction of the Minister that the services of a licensed culler are not procurable, the Minister may issue a special permit to any trustworthy and skilled person to act as culler, upon his taking the prescribed oath, but such permit shall not extend beyond the 1st day of July next following its date. Unlicensed persons not to make measurements. Proviso.

(2) This section shall not apply to the operations of any lumber company, person or firm whose gross annual output is under 250,000 feet board measure. R.S.O. 1897, c. 186, s. 10.

11. It shall be the duty of every culler to measure fairly and correctly to the best of his skill, knowledge and ability, all saw-logs which he may be employed to measure, making only such deductions as are necessary to allow for rots or other defects, and to enter in a book of record, for the purpose of return to the Department, what he believes to be the proper contents of the logs, noting also the number of saw-logs rejected as worthless, commonly called culls. R.S.O. 1897, c. 186, s. 11. Duties of cullers.

12. Upon all logs culled or rejected as wholly worthless he shall mark the word "cull" in plain letters, but he shall not mark "cull" upon any log which is intended to be hauled to any river, lake or stream for the purpose of being driven to a mill. R.S.O. 1897, c. 186, s. 12. Culled logs to be marked.

13. All licensed cullers shall submit their books and records of measurement for the inspection of any Crown timber agent, Crown timber ranger, or other officer of the Department when called upon so to do, and shall give all information asked for in their power, and furnish any statements or copies of statements which the Department or its agents may require. R.S.O. 1897, c. 186, s. 13. Inspection of books and records of cullers.

Returns to
be made by
cullers.

14. At the end of the season every culler shall make a sworn return upon forms supplied by the Department or its agents, which shall show the number of pieces measured and accepted by him, and their respective lengths and diameters, and also the number of pieces rejected as worthless. R.S.O. 1897, c. 186, s. 14.

Cancellation
of license.

15. If a culler neglects or refuses to carry out and obey the provisions of this Act, or any regulations made under it, the Minister may cancel his license and such culler shall not thereafter be eligible to cull or measure saw-logs cut upon Public Lands, and if he does so he shall incur a penalty of not less than \$10 or more than \$50 recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 186, s. 15.

10 Edw. VII
c. 37.

Penalty for
making
improper
measure-
ments or
false returns.

16. If a culler wilfully undermeasures or mismeasures or improperly culls and rejects any saw-logs, or makes a false return for the purpose of deceiving or defrauding, his license shall be revoked, and he shall not thereafter be permitted to act as culler under this Act; and in addition he shall incur a penalty of not less than \$20 or more than \$100, recoverable under *The Ontario Summary Convictions' Act*. R.S.O. 1897, c. 186, s. 16.

10 Edw. VII
c. 37.

Act not to
affect regula-
tions under
Rev. Stat. c.
32.

17. This Act shall not abrogate any regulations made under *The Crown Timber Act*, except in so far as they may be inconsistent herewith. R.S.O. 1897, c. 186, s. 17.

Repeal

18. Chapter 186 of the Revised Statutes, 1897, is repealed.

CHAPTER 48.

An Act respecting Chartered Accountants.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Chartered Accountants Act*. Short title.
New.

2. The Institute of Chartered Accountants of Ontario, Institute of Accountants. 46 V., c. 62.
is continued. 10 Edw. VII., c. 79, s. 1, *part.*

3.—(1) The Institute may purchase, take and acquire for the purposes of the Institute, but for no other purpose, and after acquiring the same may sell, mortgage, lease or dispose of any real estate. Power to acquire and hold land. 10 Edw. VII., c. 79, s. 1, *part.*

(2) The Institute may receive, manage and invest voluntary contributions and donations from members or others as a benevolent fund for the benefit of needy members or their families and the families of deceased members. Benevolent fund. 10 Edw. VII., c. 79, s. 1, *part.*

4. The objects of the Institute shall be to promote and increase the knowledge, skill and proficiency of its members in all things relating to the business or profession of an accountant, and to that end to establish classes, lectures and examinations, and to prescribe such tests of competency, fitness and moral character as may be thought expedient to qualify for admission to membership. Objects. 10 Edw. VII., c. 79, s. 2.

5. There shall be a Council of the Institute hereinafter called the Council, which shall consist of fifteen members, of whom not less than two-thirds shall be public accountants, residing and practising within Ontario. Council. 10 Edw. VII., c. 79, s. 4, *part.*

Annual meeting.

6.—(1) An annual meeting shall be held for the election of the Council, and for such other business as may be brought before the meeting, at such time and place and under such regulations and after such notices as shall be determined by the by-laws of the Institute, and in default of such election being held at the proper time the existing Council shall continue to act until their successors are elected.

Nominations for council.

(2) Nominations of candidates for election to the Council shall be in writing, signed by two members of the Institute, and shall be lodged with the Secretary at least fourteen days before the date of the annual meeting.

Election of council.

(3) A voting paper containing the names, alphabetically arranged, of the persons nominated shall be sent by mail to each member in good standing at least ten days before the date of the annual meeting.

Voting papers.

(4) The voting paper shall be signed by the voter and shall be lodged with the Secretary on or before the day of the annual meeting, and the Council shall be elected by means of such voting papers, whether the members voting be present at or absent from the annual meeting.

Vacancies.

(5) All vacancies which occur in the Council, by death or otherwise, in the interval between two annual meetings, shall be filled by the Council. 10 Edw. VII., c. 79, ss. 3 and 4.

Officers.

7. The Council shall elect from among its number a President, two Vice-Presidents, a Secretary and a Treasurer (the same person being eligible for both the last mentioned offices), and shall appoint a Registrar and such other officers as may be provided for by the by-laws. 10 Edw. VII., c. 79, s. 5.

Fees.

8. The Council may fix an entrance and annual fee or subscription to be paid by all members, and may vary the amount thereof from time to time. 10 Edw. VII., c. 79, s. 6.

By-laws.

9.—(1) The Council may make by-laws for carrying out the objects of the Institute, but no such by-law or any amendment thereto shall have force or take effect until it has been approved at an annual meeting of the Institute, or at a special general meeting called to consider the same.

Power to annul.

(2) Any such by-law may be annulled by the Lieutenant-Governor in Council. 10 Edw. VII., c. 79, s. 7.

10. The Council may,

Examinations.

(a) Prescribe a curriculum of studies to be pursued by the students;

(b)

- (b) Determine as to the fitness and moral character of persons applying to be examined;
- (c) Prescribe the subjects upon which candidates for certificates of competency shall be examined;
- (d) Fix standards of skill and competency;
- (e) Establish a scale of fees to be paid by persons applying for examination;
- (f) Appoint examiners, define their duties and fix their remuneration; and
- (g) Make such rules and regulations (not contrary to the provisions of this Act or the by-laws of the Institute) in respect to examinations as may be expedient. 10 Edw. VII., c. 79, s. 8, *part*.

11. The Council shall hold examinations at least once in ^{When to be held.} each year. 10 Edw. VII., c. 79, s. 8, *part*.

12. The Council shall by by-law prescribe the conditions ^{Equivalent examinations.} upon which persons who have passed the examinations of other corporate bodies having the same or similar objects, may be admitted as members of the Institute, and such conditions shall be reasonable and subject to amendment by the Lieutenant-Governor in Council, and if the Council omits to pass such a by-law, the Lieutenant-Governor in Council may prescribe such conditions. 10 Edw. VII., c. 79, s. 9. *Amended.*

13. The Institute may establish lectures and classes of ^{Lectures} students in accounts, and, subject to the approval of the Lieutenant-Governor in Council, may make arrangements with any University or College in Ontario for the attendance of students in accounts at such lectures or classes in such University or College as may come within the course of subjects prescribed by the rules, by-laws and regulations of the Institute, and may agree with any such University or College for the use of any library or museum or property belonging to or under the control of such University or College, and may affiliate with any such University or College, and may enter into all arrangements necessary for that end, upon such terms as may be agreed upon. 10 Edw. VII., c. 79, s. 10.

14. The membership of the Institute shall consist of two ^{Membership.} classes, namely, Fellows and Associates. 10 Edw. VII., c. 79, s. 11, *part*.

Use of
titles.

15. Every member of the Institute shall have the right to use the designation "Chartered Accountant," and may use after his name, if he is a Fellow, the initials "F.C.A.," signifying "Fellow of the Chartered Accountants," and if he is an Associate the initials "A.C.A.," signifying "Associate of the Chartered Accountants." 10 Edw. VII., c. 79, s. 11, *part.*

Honorary
membership.

16. Persons who have rendered conspicuous services to the Institute, either in the advancement of its educational objects or its general welfare or by material contributions to the library or other funds of the Institute, may by the unanimous vote of the members present at any meeting of the Institute, be elected to honorary membership therein, but honorary membership shall not confer the right to use the designation "Chartered Accountant," or to be elected to the Council or to vote. 10 Edw. VII., c. 79, s. 12.

Restrictions
as to use of
titles.

17.—(1) No person shall be entitled to take or use the designation "Chartered Accountant" or the initials "F.C.A.," "A.C.A.," or "C.A.," either alone or in combination with any other words, or any name, title or description, implying that he is a Chartered Accountant, or any name, title, initials or description implying that he is a certified accountant or an incorporated accountant, unless he is a member of the Institute in good standing and registered as such.

Penalties.

10 Edw.
VII., c. 37.

(2) Any person who contravenes any of the provisions of this section shall incur a penalty not exceeding \$25 for each offence recoverable under *The Ontario Summary Convictions Act*.

Exception
as to certain
members of
D.A.C.A.

(3) This section shall not apply to those persons who, being members in good standing of the Dominion Association of Chartered Accountants on the 16th day of December, 1909, were on that day entitled to membership in the Institute or to apply therefor. 10 Edw. VII., c. 79, s. 13.

Membership
register.

18.—(1) The Council shall cause to be kept by the Secretary or Registrar a register, in which shall be entered in alphabetical order the names of all members in good standing; and those members only whose names are entered in the register shall be deemed entitled to the privilege of membership in the Institute; and such register shall at all times be subject to inspection by any person free of charge.

Register as
evidence.

(2) Such register, or a copy of the same duly certified by the Secretary or Registrar, shall be *prima facie* evidence in all courts and before all persons that the persons whose

names

names are entered therein are members of the Institute in good standing, and the absence of the name of any person from such register shall be *prima facie* evidence that such person is not a member of the Institute. 10 Edw. VII., c. 79, s. 14.

19. The Institute may by by-law provide for the suspension or expulsion, on complaint and after due enquiry, of any member for misconduct or for violation of the rules or by-laws of the Institute. 10 Edw. VII., c. 79, s. 15.

20. Nothing in this Act shall affect or interfere with the right of any person not a member of the Institute to practise as an accountant in Ontario, nor with the right of any person, not residing or having an office therein, to use any designation as accountant. 10 Edw. VII., c. 79, s. 16.

21. Chapter 62 of the Acts passed in the 46th year of the reign of Her late Majesty Queen Victoria, and chapter 79 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh are repealed.

CHAPTER 49.

An Act respecting Innkeepers and Others.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Innkeepers' Act*. *New.*

Interpreta- **2.** In this Act,
tion.

"Inn."

(a) "Inn" shall include an hotel, inn, tavern, public house or other place of refreshment, the keeper of which is by law responsible for the goods and property of his guests; and

"Innkeeper."

(b) "Innkeeper" shall mean the keeper of any such place. R.S.O. 1897, c. 187, s. 1.

Lien on baggage, etc., for accommodation, etc., furnished, and power to sell.

3.—(1) Every innkeeper, boarding-house keeper and lodging-house keeper shall have a lien on the baggage and property of his guest, boarder or lodger, for the value or price of any food or accommodation furnished to him or on his account.

(2) In addition to all other remedies provided by law, he shall have the right, in case the same remains unpaid for three months, to sell by public auction the baggage and property of such guest, boarder or lodger, on giving one week's notice by advertisement in a newspaper published in the municipality in which the inn, boarding-house, or lodging-house is situate, or in case there is no newspaper published in the municipality, in a newspaper published nearest to such inn, boarding-house, or lodging-house, of the intended sale.

(3) The advertisement shall state the name of the guest, boarder or lodger, the amount of his indebtedness, the time and place of sale, and the name of the auctioneer, and shall

give

give a description of the baggage or other property to be sold.

(4) The innkeeper, boarding-house keeper, or lodging house keeper may apply the proceeds of the sale in payment of the amount due to him, and the costs of such advertising and sale, and shall pay over the surplus, if any, to the person entitled thereto, on application being made by him therefor. R.S.O. 1897, c. 187, s. 2 (1).

(5) Every keeper of a livery stable or a boarding stable shall have a lien on every horse or other animal boarded at or carriage left in such livery stable or boarding stable for his reasonable charges for boarding and caring for such horse, animal or carriage. 4 Edw. VII. c. 10, s. 44.

Lien on horses and carriages.

(6) Where an innkeeper, boarding-house keeper, lodging-house keeper, livery stable keeper or boarding stable keeper, has a lien upon a horse, other animal or carriage for the value or price of any food or accommodation supplied, or for care or labour bestowed thereon, he shall in addition to all other remedies provided by law, have the right, in case the same remains unpaid for two weeks, to sell by public auction such horse, animal or carriage on giving two weeks' notice by advertisement in a newspaper published in the municipality in which the inn, boarding-house, lodging-house, livery stable or boarding stable is situate, or in case there is no newspaper published in the municipality, in a newspaper published nearest to such inn, boarding-house, lodging-house, livery stable or boarding stable of the intended sale.

Lien on horses, etc., and power to sell.

(7) The advertisement shall state the name, if known, of the person or persons who brought such horse, animal or carriage to the inn, boarding-house, lodging-house, livery stable or boarding stable, the amount of the indebtedness, and the name of the auctioneer, and shall give a description of the horse, animal or carriage.

Advertisement.

(8) The innkeeper, boarding-house keeper, lodging-house keeper, livery stable keeper or boarding stable keeper may apply the proceeds of the sale in payment of the amount due to him, and the costs of such advertisement and sale, and shall pay over the surplus, if any, to the person entitled thereto on application being made by him therefor. R.S.O. 1897, c. 187, s. 2 (2); 7 Edw. VII. c. 23, s. 17.

Application of proceeds of sale.

4.—(1) No innkeeper shall be liable to make good to any guest of such innkeeper, any loss of or injury to goods or property brought to his inn not being a horse or other

Innkeeper not liable for loss of goods and property of guest

beyond \$40, live animal, or any gear appertaining thereto, or any carriage, to a greater amount than the sum of \$40 except in the following cases, that is to say:—

by his wilful default,

(a) Where such goods or property have been stolen, lost, or injured through the wilful act, default, or neglect of such innkeeper, or any servant in his employ;

or unless deposited with him for safe keeping.

(b) Where such goods or property have been deposited expressly for safe custody with such innkeeper.

(2) In case of such deposit, it shall be lawful for such innkeeper, if he thinks fit, to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same. R.S.O. 1897, c. 187, s. 3.

Liability for refusal to take charge of goods.

5. If an innkeeper refuses to receive for safe custody, as mentioned in clause (b) of subsection 1 of the next preceding section, any goods or property of his guest, or if such guest, through any default of such innkeeper, is unable to deposit such goods or property, the innkeeper shall not be entitled to the benefit of this Act in respect thereof. R.S.O. 1897, c. 187, s. 4.

Copy of section 4 to be conspicuously exhibited

6. Every innkeeper shall cause to be kept conspicuously posted up in the office and public rooms and in every bedroom in his inn a copy of section 4, printed in plain type; and he shall be entitled to the benefit thereof in respect of such goods or property only as are brought to his inn while such copy is so posted up. R.S.O. 1897, c. 187, s. 5.

Innkeeper, etc. not to have a lien on wearing apparel of servant or labourer for more than \$6.

7. The lien of an innkeeper or boarding-house keeper upon the wearing apparel of any servant or labourer shall not extend to any greater sum than \$6, and on payment or tender of that sum, or of any less sum due, such wearing apparel shall be immediately given up, whatever may be the amount due by such servant or labourer. 10 Edw. VII. c. 26, s. 9. (*See* R.S.O. 1897, c. 157, s. 6.)

Repeal.

8. Chapter 187 of the Revised Statutes, 1897, and section 44 of chapter 10 of the Acts passed in the 4th year, section 17 of chapter 23 of the Acts passed in the 7th year, and section 9 of chapter 26 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh are repealed.

Commencement of Act.

9. This Act shall come into force and take effect from and after the 1st day of July, 1911.

CHAPTER 50.

An Act respecting Pawnbrokers.

Assented to 24th March, 1911.

SHORT TITLE, s. 1.	LIABILITY OF PAWNBROKER FOR LOSS BY FIRE, s. 20.
INTERPRETATION, s. 2.	REFUSAL TO DELIVER GOODS ON REDEMPTION, s. 21.
LICENSE OF PAWNBROKER, ss. 3-5.	PROCEEDINGS WHEN GOODS IMPAIRED IN VALUE, s. 22.
ACTS OF AGENTS, SERVANTS AND APPRENTICES, s. 6.	PROCEEDINGS ON NOTICE NOT TO DELIVER, s. 23.
SIGN AND NOTICE OF RATES TO BE EXHIBITED, s. 7.	SALE OF UNREDEEMED GOODS, ss. 24, 25.
BOOKS TO BE KEPT, s. 8.	RESTRICTIONS ON PAWNBROKER, s. 26.
MEMORANDUM TO PAWNER AND OTHER DETAILS TO BE OBSERVED, ss. 9-12.	PAWNBROKER BOUND TO PRODUCE BOOKS, ETC., s. 27.
PAWNING GOODS OF OTHERS, OR GOODS PARTLY MANUFACTURED, ss. 13, 14.	FEES OF JUSTICES, s. 28.
SEARCH WARRANT, s. 15.	APPLICATION OF PENALTIES, s. 29.
DAILY REPORT TO POLICE, s. 16.	LIMITATION OF PROSECUTIONS, s. 30.
INSPECTION BY POLICE, s. 17.	LIABILITY OF EXECUTORS OF PAWNBROKER, s. 31.
GOLD OR SILVER NOT TO BE MELTED, s. 18.	REPEAL, s. 32.
HOLDER OF MEMORANDUM ENTITLED TO GOODS, s. 19.	

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Pawnbrokers Act*. Short title. *New.*

Interpretation.

2.—(1) In this Act

Interpreta-
tion.

(a) "Municipality" shall not include county;

(b) "Pawnbroker," shall mean a person who exercises the trade of receiving or taking by way of pawn or pledge any goods for the repayment of money lent thereon;

(c) "Pawner," shall mean a person delivering an article for pawn to a pawnbroker;

(d)

"Pawn ticket."

(d) "Pawn ticket," shall mean the note or memorandum referred to in section 9;

"Pledge."

(e) "Pledge," shall mean an article pawned with a pawnbroker;

"Shop."

(f) "Shop," shall include dwelling-house and warehouse or other place of business or place where business is transacted.

Certain persons to be deemed pawnbrokers.

(2) In order to prevent evasion of the provisions of this Act every person shall be deemed to be a pawnbroker who

35 and 36 V. Imp., c. 93, ss. 5. and 6.

(a) Keeps a shop for the purchase or sale of goods or chattels, or for taking in goods or chattels by way of security for money advanced thereon; or

(b) Purchases or receives or takes in goods or chattels and pays or advances or lends thereon any sum of money not exceeding \$50

with or under an agreement or understanding expressed or implied or to be from the nature and character of the dealing reasonably inferred that those goods or chattels may be afterwards redeemed or repurchased on any terms; and every such transaction, payment, advance and loan shall be deemed a pawning, pledging and loan respectively under this Act. *New.*

License.

Pawnbrokers to be licensed.

3.—(1) No person shall exercise the trade of a pawnbroker unless he obtains a license therefor under the hand of the treasurer of the municipality in which he carries on or purposes to carry on such trade, nor unless he obtains a renewal of the same annually, but no license shall be issued or renewed, unless under the authority of a by-law of the council of the municipality. R.S.O. 1897, c. 188, s. 2.

(2) A license or renewal may be refused without any cause assigned. 7 Edw. VII. c. 33, s. 1.

Fee for license.

(3) The sum of \$60 shall be paid for every license or renewal thereof to the treasurer, for the use of the municipality, and every pawnbroker shall give to the municipality security to the satisfaction of the treasurer thereof in the sum of \$1,000, for the due observance by him of the provisions of this Act. R.S.O. 1897, c. 188, s. 4; 7 Edw. VII. c. 33, s. 1.

(4) Every person exercising such trade without having obtained a license or renewal thereof shall incur a penalty of \$50 for every pledge he takes. R.S.O. 1897, c. 188, s. 3. Penalty for neglect to take out license.

4. No person shall, by virtue of one license, keep more than one shop. R.S.O. 1897, c. 188, s. 5. License to cover only one shop.

5. Only one license shall be necessary where two or more persons carry on trade as pawnbrokers in partnership in the same shop. R.S.O. 1897, c. 188, s. 6. Partners.

6. For the purposes of this Act anything done or omitted by the servant, apprentice or agent of a pawnbroker in the course of or in relation to the business of a pawnbroker shall be deemed to be done or omitted, as the case may be, by the pawnbroker; and any thing by this Act authorized to be done by a pawnbroker may be done by his servant, apprentice or agent. *New.* Agents, servants and apprentices of pawnbrokers. 35 & 36 Vict. Imp. c. 93, s. 8.

Duties of Pawnbroker.

7.—(1) Every pawnbroker shall always

Sign to be kept up by pawnbroker.

(a) Keep exhibited in large, legible characters on a sign over the outer door of his shop his name and the word "Pawnbroker"; and

(b) Keep displayed in a conspicuous part of his shop a notice painted or printed in English in large, legible characters so as to be visible to any person pawning or redeeming pledges showing the rate of profit authorized by law to be taken and also the various prices of the pawntickets to be given according to the rates hereinafter mentioned and of the expense of obtaining a copy of the pawnticket where the pawnticket has been lost, mislaid, destroyed or fraudulently obtained from the pawner. Notice of rates allowed.

(2) If a pawnbroker fails in any respect to comply with the requirements of this section he shall incur a penalty not exceeding \$40. R.S.O. 1897, c. 188, ss. 7, 8 and 9. *Amended.*

8.—(1) Every pawnbroker who takes a pledge in pawn whereon a sum exceeding \$1 is lent, shall, before he lends the money thereon, enter in English in a fair and legible manner in a book to be kept by him for that purpose a description of the pledge, the sum lent thereon, with the day of the month and year and the name and a description of the pawner and the name of the street and number of the house where he

Entries to be made by pawnbrokers.

resides

resides, and whether he is a lodger in or the keeper of such house, by using the letter L if a lodger, and the letter H if a housekeeper, and also the name and place of abode of the owner according to the information of the pawner, into all which circumstances the pawnbroker shall inquire of him before any money is lent.

(2) If the sum lent does not exceed \$1, a similar entry shall be made in such book within four hours after the goods have been pawned. R.S.O. 1897, c. 188, s. 10; 7 Edw. VII. c. 33, s. 2.

If above
\$2 lent.

(3) Where more than \$2 is lent upon a pledge the entries shall be made in respect thereof in a separate book to be kept for that purpose.

(4) The entries shall be numbered in the books consecutively in the order in which the pledges are pawned in the following manner, viz.: the first pledge received in pawn as No. 1, the second as No. 2, and so on until the end of the month, and in like manner in every succeeding month and upon every pawnticket respecting such pledge shall be written the number of entry of the pledge so entered in the book. R.S.O. 1897, c. 188, s. 11. *Amended.*

Note giving
description
of goods to
be given to
the pawner.

9. At the time of taking any pledge, a note or memorandum, written or printed, shall be given to the pawner, containing a description of the pledge and a statement of the sum lent thereon, with the day of the month and year and the name of the pawner and the name of the street, number of the house where he resides, and whether he is a lodger in or the keeper of such house, by using the letters L or H, and upon such note or memorandum, or on the back thereof, shall be written or printed the name and place of abode of the pawnbroker and the rates of interest which may lawfully be charged, which note or memorandum the pawner is required to take and unless he takes the same, the pawnbroker shall not take the pledge in pawn. R.S.O. 1897, c. 188, s. 12; 7 Edw. VII. c. 33, s. 3.

Charges for
note.

10.—(1) When the sum lent is less than \$20 the pawnbroker may take five cents for the pawnticket.

(2) When the sum lent is \$20 or more he may take ten cents. 7 Edw. VII. c. 33, s. 4.

The note to
be after-
wards pro-
duced.

11. Except as hereinafter provided the pawnbroker shall not be bound to re-deliver the goods, unless and until the pawnticket is produced and delivered to him. R.S.O. 1897, c. 188, s. 14.

12. A duplicate of the pawnticket shall be affixed to the pledge, and where the pledge is redeemed, the pawnbroker shall write or endorse on the duplicate, the profit taken by him for the pledge, and shall keep the duplicate in his custody for one year after redemption. R.S.O. 1897, c. 188, s. 15.

A duplicate to be affixed to the goods. After redemption.

Unlawful Pawning.

13.—(1) Any person who knowingly and designedly pawns anything being the property of another person, unless employed or authorized by the owner so to do, shall incur a penalty of not more than \$20 nor less than \$4, and a further penalty of a sum equal to the full value of the pledge as ascertained by the convicting justice. R.S.O. 1897, c. 188, s. 16. *Amended.*

Penalty for pawning goods of others.

(2) The penalties shall be applied towards making satisfaction to the person injured, and defraying the costs of the prosecution, as may be adjudged reasonable by the convicting justice. R.S.O. 1897, c. 188, s. 17.

Forfeitures, how applied.

14. A pawnbroker who knowingly takes in pawn any linen or wearing apparel, or unfinished goods, or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, shall be guilty of an offence against this Act and shall incur a penalty not exceeding double the amount of the loan and shall forthwith restore the pledge to the lawful owner in the presence of the convicting justice or as may be directed by him. R.S.O. 1897, c. 188, s. 18. *Amended.*

Consequence of taking goods in pawn from workmen, etc.
Imp. Act 35-36 V., c. 32, s. 35.

15.—(1) If the pawnbroker on request by a constable authorized by a search warrant issued under the authority of *The Ontario Summary Convictions Act* to search the shop refuses to open the shop and permit it to be searched, the constable may break it open and search as he may think fit therein for such goods or articles doing no wilful damage, and any pawnbroker or other person who opposes or hinders the search shall incur a penalty not exceeding \$100. R.S.O. 1897, c. 188, s. 19. *Amended.*

Constable may break into shop.
10 Edw. VII. c. 37.
Imp. Act 35-36 V., c. 93, s. 36, part.
Penalty.

(2) If in the search any of the goods in respect of which the warrant was issued are found and the property of the owner is made out to the satisfaction of the Justice he shall cause the same to be forthwith restored to the owner. R.S.O. 1897, c. 188, s. 20. *Amended.*

Restoration of goods found on search.
Imp. Act 35-36 V., c. 93, s. 36, part.

[As to search warrants see *The Ontario Summary Convictions Act*.]

Reports to Police.

Daily report
to police.

16.—(1) Every pawnbroker shall before 10 o'clock in the forenoon of every business day report to the chief constable or to such other person as may be designated by by-law of the council of the municipality on forms to be furnished by the corporation thereof, a description of all pledges received by him in pawn on the next preceding business day together with the numbers of the pawntickets issued therefor and the amounts loaned.

Penalty.

(2) Every person contravening this section shall incur a penalty not exceeding \$40. 7 Edw. VII. c. 33, s. 5, *part. Amended.*

Inspection
by police.

17. The chief constable or an officer authorized in writing by him or by the police magistrate or any member of the Ontario Provincial or Dominion police force may at all times inspect a pawnbroker's book and shall have access to all books and papers and all pledges and when engaged in such inspection may take with him such other persons as he may deem advisable. 7 Edw. VII. c. 33, s. 5, *part.*

Gold and silver not to be melted.

Gold and
silver not to
be melted.

18. Gold or silver which has been pawned shall not be melted by a pawnbroker unless specially authorized by the council of the municipality. 7 Edw. VII. c. 33, s. 5, *part. Amended.*

Right of holder of pawnticket.

Holder of
note to be
considered
owner.

19. The holder for the time being of a pawnticket shall as between the pawner and the pawnbroker be presumed to be the person entitled to redeem the pledge, and, subject to the provisions of this Act, the pawnbroker shall accordingly, on payment of the loan and profit, deliver the pledge to the person producing the pawnticket. R.S.O. 1897, c. 188, s. 22. *Amended.*

35-36 Vict.
(Imp.), c. 93,
s. 25.

Pledge destroyed or damaged by fire.

Liability of
pawnbroker
in case of
fire.

20.—(1) Where a pledge is destroyed or damaged by or in consequence of fire the pawnbroker shall nevertheless be liable on application within the period during which the pledge would have been redeemable to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty-five per cent. on the amount of the loan.

Imp. Act
35-36 V.
c. 93, s. 27.

(2) A pawnbroker shall have an insurable interest in the pledge to the extent of the value so estimated. *New.*

Redemption

Redemption of Pledges.

21.—(1) If within one year after a pledge has been pawned exclusive of the day on which it was pawned the pawn^{If pawn^r offers to redeem within a year, and pawnbroker refuses to restore goods.}er, or other person on his behalf, tenders to the pawnbroker the pawnticket and also the principal money borrowed, and the profit according to the lawful rates, and the person who took the pledge neglects or refuses, without reasonable cause, to deliver back the goods so pawned, the pawn^r may make oath thereof before a Justice of the Peace, who shall summon such person before him, and shall examine on oath the parties and their witnesses touching the premises.

(2) If tender of the pawnticket with the principal sum lent, and lawful profit thereon, is proved to have been made within such time, then on payment by the pawn^r of the principal money and the lawful profit due thereon, or, if the pawnbroker refuses to accept thereof on tender before the Justice, the Justice shall, by order under his hand, direct the pledge to be forthwith delivered to the pawn^r, or, if it has been sold, embezzled, lost, mislaid or destroyed, shall direct the pawnbroker to make satisfaction for the value thereof to be fixed by the Justice, subject to the provisions of section 20, and if the pawnbroker neglects or refuses to deliver up the pledge or to make satisfaction for the value thereof the Justice shall commit him to the common gaol for a period not exceeding three months or until he delivers up the pledge, or makes satisfaction for the value thereof pursuant to the order. R.S.O. 1897, c. 188, s. 21. *Amended.*

22. If a person entitled and offering to redeem a pledge shows to the satisfaction of a Justice of the Peace that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect or wilful misbehaviour of the pawnbroker, the Justice may award a reasonable satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker or shall be paid by the pawnbroker, as the case requires, in such manner as the Justice directs, and in case of default, the pawnbroker shall be liable to the punishment mentioned in section 21. *New.*

Compensation for depreciation of pledge.
Imp. Act 35-36 V., c. 93, s. 28.

23. The provisions of this section shall have effect for the protection of persons entitled to redeem a pledge and pawn^rs not having their pawntickets to produce.

Protection of owners and persons not having pawntickets.

- (a) Any person claiming to be entitled to redeem a pledge, but not holding the pawnticket, may apply to the pawnbroker for a copy of the pawn-
- 35 and 36 Vict., c. 93, s. 29 (Imp.).

ticket and a printed form of affidavit which the pawnbroker shall deliver to him;

- (b) If the claimant proves to the satisfaction of a Justice of the Peace his right to redeem the pledge and on or before the third day after the day on which the form of affidavit is delivered to him by the pawnbroker, exclusive of days on which the pawnbroker is prohibited from carrying on business, delivers back to the pawnbroker the affidavit duly sworn endorsed with a certificate of the Justice that such proof has been made, the claimant shall have, as between him and the pawnbroker, all the rights and remedies which he would have had if he had produced his pawnticket;
- (c) The pawnbroker shall not be bound to deliver the pledge to any person until the expiration of such three days;
- (d) The pawnbroker shall be indemnified for delivering the pledge or otherwise acting in conformity with the affidavit and certificate, unless he has notice that the affidavit is fraudulent or false in any material particular;
- (e) If the money lent is under \$20 the pawnbroker may take for the copy and affidavit five cents, or if it is \$20 or more he may take ten cents. *New.* See R.S.O. 1897, c. 188, s. 23.

[As to lawful rates see R. S. C. Cap. 121, secs. 3, 4.]

Pledges for \$2 or less not redeemed in time forfeited.
Imp. Act 35 and 36 V., c. 93, s. 17.

24.—(1) A pledge pawned for \$2 or less, if not redeemed within the year of redemption shall, at the end thereof, become and be the pawnbroker's absolute property.

Pledges over \$2 redeemable until sold.
Imp. Act 35 and 36 V., c. 93, s. 18.

(2) A pledge pawned for more than \$2 shall continue redeemable until it is disposed of as in this Act provided, although the year of redemption has expired. *New.*

Sale of Pledges.

When to be at public auction.

25.—(1) When the sum lent exceeds \$2 the pledge shall be sold at public auction, and not otherwise. R.S.O. 1897, c. 188, s. 25.

Before sale, goods to be exposed to

(2) Before such sale, the articles pawned shall be exposed to public view, and an advertisement thereof containing the

name

name and place of abode of the pawnbroker, a description of the articles separately, the month the pledge was received in pawn and the number of the pledge, shall be published on two separate days in a public newspaper published in the municipality, and the second advertisement shall be published at least two clear days before the first day of sale. R.S.O. 1897, c. 188, s. 26. *Amended.*

(3) If the articles are not described separately in the advertisement, the pawnbroker shall incur a penalty payable to the owner of the pledge of not less than \$8 nor more than \$40. R.S.O. 1897, c. 188, s. 27. Penalty for not properly describing.

(4) A pawnbroker may bid for and purchase at a sale by auction made or purporting to be made under this Act a pledge pawned with him, and on such purchase he shall be deemed the absolute owner of the pledge purchased. *New.* Imp. Act 35 and 36 V., c. 93, s. 19, part.

(5) Where a pawnbroker bids at a sale the auctioneer shall not take the bidding in any other form than that in which he takes the biddings of other persons at the same sale; and the auctioneer on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser. *New.* Idem. Sched. 5 (7).

(6) The pawnbroker shall enter in a book, to be kept for that purpose, a just account of the sale, showing therein the day of the month on which the articles were pledged, the name of the pawner, the day when, and the money for which each article pledged was sold, and the name and abode of the auctioneer. R.S.O. 1897, c. 188, s. 28. Account of sales to be kept and booked.

(7) If the pledge is sold for more than was due thereon, the overplus, after deducting the necessary costs and charges of the sale and advertisement, shall be paid to the pawner by whom or upon whose account the pledge was pawned. R.S.O. 1897, c. 188, s. 29. Disposal of surplus.

(8) The pawner or the person for whom the pledge was pawned or his executor, administrator or assignee, shall have the right to inspect the entry made of the sale, on paying five cents for the inspection. R.S.O. 1897, c. 188, s. 30. Pawner may inspect entries.

(9) If the pawnbroker refuses to permit the pawner or the person for whom the pledge was pawned or his executor, administrator or assignee upon the production of the probate or letters of administration or the assignment to inspect such entry, or if the pledge was sold for more than the sum entered in such book, or if the pawnbroker did not make such entry, or did not in good faith sell the pledge according to the provisions

visions of this Act, or refuses to pay the overplus on demand, in addition to any other liability, he shall incur a penalty of not less than \$40 or more than \$100, and the convicting Justice may award the whole or any part of the penalty to the person aggrieved. R.S.O. 1897, c. 188, s. 31. *Amended.*

Restrictions upon Pawnbrokers.

Restrictions
upon pawn-
brokers.

26.—(1) A pawnbroker shall not—

- (a) Purchase any article or receive or take any pledge in pawn from any person who appears to be under the age of fifteen years, or to be intoxicated; or
- (b) Purchase or take in pawn a pawnticket issued by any other pawnbroker; or
- (c) Employ or permit any servant or other person under sixteen years of age to take pledges in pawn; or
- (d) Carry on the business of a pawnbroker on Sunday, Good Friday, Christmas Day or any day appointed by the Governor-General or the Lieutenant-Governor for a general fast or thanksgiving or on any other day before eight o'clock in the morning or after eight o'clock in the evening, except on Saturday evening and the evenings preceding Good Friday and Christmas Day, on which evenings he may keep his shop open until ten o'clock; or R.S.O. 1897, c. 188, s. 33. *Amended.*
- (e) Under any pretence purchase except at public auction any pledge while in pawn with him; or R.S.O. 1897, c. 188, s. 32. *Amended.*
- (f) Suffer any pledge while in pawn with him to be redeemed with a view to his purchasing it; or
- (g) Make any contract or agreement with any person pawning or offering to pawn any article or with the owner thereof for the purchase, sale or disposition thereof, within the time of redemption; or
- (h) Sell or otherwise dispose of any pledge pawned with him except at such time and in such manner as is authorized by this Act. *New.*

Imp. Act
35-36 V.,
c. 93, s. 32.

(2) For any contravention of this section a pawnbroker shall incur a penalty of not less than \$20 or more than \$40.
New.

27. When the Justice is of the opinion that the production of any pawnbook, voucher, pawnticket or other document, which is or ought to be in the hands, custody or power of a pawnbroker is necessary, he shall summon him to attend with it, and the pawnbroker shall be bound to produce it in the state in which it was when the pledge was pawned, and if he neglects or refuses to attend or to produce it in its true and perfect state, he shall, unless he shews good cause to the satisfaction of the Justice, incur a penalty of not less than \$20 nor more than \$40. R.S.O. 1897, c. 188, s. 37.

Pawnbroker bound to produce pawn-books, etc.

28. No fee shall be taken by a Justice of the Peace for any summons or warrant granted by him under this Act, so far as the same relates to a pledge. R.S.O. 1897, c. 188, s. 38.

No fee on Justice's summons or warrant.

Penalties.

29. Unless where otherwise provided all penalties recovered under this Act shall belong to the municipality in which the offence was committed and be paid over to the treasurer thereof. R.S.O. 1897, c. 188, s. 39.

Penalties to belong to municipality.

30. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, except that an information may be laid within twelve months next after the offence was committed. R.S.O. 1897, c. 188, ss. 40 and 41. *Amended.*

How penalties are recovered.
10 Edw. VII. c. 37.

Limitation of prosecutions.

Personal representative of Pawnbroker.

31. The provisions of this Act shall extend to the executor and administrator of a deceased pawnbroker, but he shall not be answerable for any penalty personally or out of his own estate, unless the same was incurred by reason of his own act or neglect. R.S.O. 1897, c. 188, s. 42.

Act to extend to executors, administrators, etc.

Repeal.

32. Chapter 188 of the Revised Statutes, 1897, and Chapter 33 of the Acts passed in the 7th year of the reign of His late Majesty King Edward the Seventh, are repealed.

Repeal.

33. This Act shall come into force on the first day of September, 1911.

Commencement of Act.

CHAPTER 51.

An Act respecting Embalmers.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title** **1.** This Act may be cited as "*The Embalmers' Act.*"
- Interpretation.** **2.** In this Act
- "Board," (a) "The Board" shall mean the Board of Examiners appointed under this Act.
- "Embalming," (b) "Embalming" shall mean the disinfection or preservation of the dead human body, entire or in part, by the use of chemical substances, fluids or gases, ordinarily used, prepared or intended for such purpose, either by outward application of such chemical substances, fluids or gases on the body, or by the introduction of the same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities.
- "Minister," (c) "Minister" shall mean the member of the Executive Council for the time being charged by the Lieutenant-Governor in Council with the administration of this Act.
- "Regulations." (d) "Regulations" shall mean regulations made under the authority of this Act.
- Board of Examiners.** **3.** The Lieutenant-Governor in Council may appoint a Board of Examiners consisting of five persons practically conversant with the business of embalming who shall, subject to the regulations,
- Duties.** (a) Prescribe the subjects in which candidates for certificates of qualification as embalmers shall be granted.
- (b)

(b) Conduct examinations of candidates or provide for and supervise the examinations of candidates for such certificates and report thereon to the Minister.

(c) Issue licenses and certificates of qualification to applicants therefor, who have passed such examinations or are otherwise entitled thereto.

4. Any three members of the Board shall form a quorum. Quorum.

5. The Lieutenant-Governor in Council may appoint one Secretary. of the members of the Board or some other person to be the Secretary of the Board.

6. The Secretary of the Board shall keep a register in Register. which shall be entered the name of every person to whom a certificate of qualification is granted under this Act, and the date at which the same is granted.

7. The Lieutenant-Governor in Council may from time to Regulations by Lieutenant-Governor-in-Council. time make regulations,

(a) For the examination of candidates for licenses and certificates of qualification and permits, the granting of such licenses, certificates and permits, and the evidence to be furnished by candidates as to sobriety and good character and as to previous training and experience.

(b) For determining the time of continuance of such licenses and certificates and permits and renewal of same.

(c) For fixing the fees to be paid by such candidates upon any such examination, or for any license or certificate of qualification or permit or renewal thereof.

(d) For prescribing the causes for which any license or certificates or permits may be revoked, cancelled or suspended.

(e) For fixing the fees or other remuneration to be paid to the members and staff of the Board.

8. Every person engaged in or carrying on the business of Persons carrying on business before 1st July, 1911. embalming in Ontario at the time of the passing of this Act and who applies to the Board for a certificate of qualification before the first day of January, 1912, shall, upon furnishing

such

such evidence of sobriety, good character and experience as the Board may require, and upon payment of the prescribed fee, be entitled to receive a certificate of qualification from the Board.

Appeal from
Board to
Minister.

9. Any person who feels himself aggrieved by the decisions of the Board may appeal therefrom to the Minister upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final.

Annual
report of
Board.

10. The Board shall make a report to the Minister on or before the 31st day of December in every year, shewing

- (a) The number of certificates granted by them during the preceding year, and the persons to whom granted;
- (b) The number of applications for certificates refused during the preceding year and the causes for refusing the same;
- (c) The number of certificates revoked, cancelled or suspended during the preceding year;
- (d) The amount of fees received by them from candidates or owners of certificates during the preceding year;
- (e) The travelling and other expenses of the Board and the Secretary, and the fees, salary or other remuneration received by the Board and the Secretary; and
- (f) Such other matters as may be directed by the Minister or the Lieutenant-Governor in Council.

Audit of
receipts and
expenditure.

11. The receipts and expenditure of the Board shall be audited by a Chartered Accountant, not a member of the Board, and the fees, salary or other remuneration paid to the Board shall be paid out of the fees received from candidates or others and shall in all cases be subject to the approval of the Minister.

Certificate
to be kept
exposed
to view.

12. A certificate held by any person under this Act shall at all times be exposed to view in the place of business carried on by such person or in the place in which he is employed, and failure to keep such certificate so exposed shall be *prima facie* evidence of the lack of qualification under this Act.

13. After the 1st day of January, 1912, every person who, Penalty for professing to be licensed. not being the holder of a certificate of qualification issued by the Board or of a renewal thereof, holds himself out as an embalmer, or uses any sign or letters, or words or abbreviations, importing that he is an embalmer, shall incur a penalty not exceeding \$25.

14.—(1) No person shall after the 1st day of January, 1912, carry on business as an undertaker in Ontario without Notice to be given Secretary of Provincial Board of Health. a license from the Provincial Board of Health which shall be issued upon such terms and subject to such conditions and regulations and upon payment of such fee and subject to cancellation or suspension for such cause as the Provincial Board of Health with the approval of the Lieutenant-Governor-in Council may prescribe.

(2) Every person carrying on business as an undertaker after the 1st day of January, 1912, without such notice, shall incur a penalty of \$25.

15. Every person who as an undertaker conducts or Returns of burials. directs the burial of any human body shall forthwith notify the Secretary of the Provincial Board of Health of such burial upon the form prescribed by the regulations of the Provincial Board of Health, and any person neglecting or refusing to carry out the provisions of this section shall incur a penalty of \$25, and upon conviction his license may be suspended or cancelled by the Board.

Penalty.

16. *The Ontario Summary Convictions Act* shall apply Application of 10 Edw. VII., c. 37. to every prosecution under this Act.

CHAPTER 52.

An Act to amend The Ontario Railway Act, 1906.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

6 Edw. VII.
c. 30, s. 98
amended.

1. Section 98 of *The Ontario Railway Act, 1906*, is amended by adding thereto the following subsections:

Connections
between
intersecting
lines or
tracks
running
through
or into city,
town or vil-
lage, under
Dominion
and Provin-
cial juris-
diction.

(8) Where the lines or tracks of any railway, the construction or operation of which is authorized by the Legislature of the Province of Ontario, are intersected by those of a railway the construction or operation of which is authorized by the Parliament of Canada, or in any case in which the tracks or lines of any two such railways run through or into the same city, town or village, and it is desired by one of such companies or by any municipal corporation or other public body, or any person or persons interested, that the lines or tracks of such railways should be connected, so as to admit of the safe and convenient transfer of engines and trains from the tracks or lines of one railway to those of another, and for the reasonable receiving, forwarding, delivery, and interswitching of traffic between the said railways, the following proceedings may be had and taken:

Application
to Railway
Boards.

- (a) Either of such companies, or any municipal corporation or other public body, or any person or persons interested, may file with the Secretary of the Board, and with the Secretary of the Board of Railway Commissioners for Canada, an application for an order that such connection should be required to be made, together with evidence of service of such application upon the railway company, or companies, interested or affected, and where the application is not made by the municipality upon the head of the municipal corporation within which the proposed connection is situate.

(b)

- (b) After the receipt of the said application, the Board, and the Board of Railway Commissioners for Canada, may, by joint session or conference, in conformity with the practice to be established by them, hear and determine the said application, and may order that the lines and tracks of such railways shall be so connected at or near the point of intersection, or at or near such city, town or village, upon such terms and conditions and subject to such plans as they may deem proper. Joint order of Boards.
- (c) The Chairman of the Board, and the Chairman of the Board of Railway Commissioners for Canada, may make rules of procedure and practice covering the making of such applications and the hearing and disposition thereof, and may vary, alter or rescind the same from time to time. Rules.
- (d) The Chairman of the Board, and the Chairman of the Board of Railway Commissioners for Canada, may from time to time assign or appoint from each Board the members comprising the joint Board that may be required to sit for the hearing and determining of such applications, as they arise. Appointment of joint Board.
- (e) Any order aforesaid may be made a rule of the Exchequer Court of Canada, and may be enforced in like manner as any rule, order, or decree of such Court. Made order rule of Exchequer Court.

(9) The word "railway" shall in the next preceding subsection include any steam or electric street railway or tramway. "Railway," meaning of.

CHAPTER 53.

An Act to amend The Ontario Railway Act, 1906.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII.,
c. 30,
amended.

1. *The Ontario Railway Act, 1906*, is amended by adding the following as section 214a:

Conditions
upon which
pay as you
enter cars
may be
operated.

214a—(1) What is known as the “pay as you enter system” of collecting fares shall not be operated on any street railway car unless such car complies with the following requirements:

- (a) It must have a rear platform at least 72 inches deep with a folding step not less than 54 inches long.
- (b) The rear platform must be enclosed and properly heated, and provided with a door or doors having an aggregate width of at least 54 inches, so arranged as to permit of the entrance and exit of passengers at one and the same time.
- (c) If there is a partition between the rear platform and the body of the car such partition must have doors or openings so arranged as to permit of the entrance and exit of passengers at one and the same time.
- (d) The front platform must be enclosed and properly heated. It shall be provided with an exit door at least 30 inches wide and a folding step of the same width. If there is a partition between this platform and the body of the car it must be provided with an exit door or opening not less than 30 inches wide.

(2) This section shall only apply to cities having a population of 100,000 or over. Application of section.

(3) Every company or person who violates the provisions of this section shall, on summary conviction therefor, incur a penalty of \$100 per day for each car operated contrary to the provisions of this section. Penalty.

(4) The provisions of the preceding subsections may from time to time be varied or extended by The Ontario Railway and Municipal Board on any application made to the Board for such purpose. Application to Ontario Railway and Municipal Board to vary.

CHAPTER 54.

An Act to amend The Ontario Railway and
Municipal Board Amendment Act, 1910.*Assented to 24th March, 1911.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

16 Edw. VII., c. 83, amended. *The Ontario Railway and Municipal Board Amendment Act, 1910*, is amended by adding thereto the following sections:

Tracks,
switches,
etc., to be
deemed to
be built
under
agreement
with
company.

“11. All tracks, switches, additional lines and extensions of existing lines which are, have been or shall be hereafter constructed and operated by a street railway company in pursuance of an order of the Board, shall nevertheless be deemed to have been constructed under the authority, and shall be subject to all the provisions of the Agreement between the company and the corporation of the municipality, or the By-law of the council thereof, by which authority to construct the railway was conferred upon the company.

Board
may not
permit
company
to construct
lines not
contem-
plated in
agreement.

“12. It was not intended by the said Act to confer, and it did not and does not confer upon the Board power or authority to require or to permit a railway company, or a street railway company, without the consent of the corporation of the municipality, to construct or lay down within the municipality more tracks or lines than under its agreement with the corporation or the By-law of the council of the corporation of the municipality by which authority to construct the railway upon any such street or highway or part of a street or highway was conferred it has authority to construct or lay down, but the agreement or By-law shall govern as to the number and location of the tracks and the streets or highways upon which the railway may be constructed.”

CHAPTER 55.

An Act to amend The Ontario Telephone Act, 1910.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Ontario Telephone Act, 1910*, is amended by adding the following sections: 10 Edw. VII.
c. 84,
amended.

4a. The Board may prescribe standard conditions and specifications for the construction and equipment of all telephone systems within the Legislative jurisdiction of Ontario, and may make such orders for the maintenance thereof as the Board shall from time to time decide to be necessary or desirable. Provided, however, that such standard conditions or specifications shall not apply to the existing plant or equipment of any telephone system in course of construction, or being operated by any company or person prior to June 30th, 1911, but only to the renewal or replacement thereof whenever such renewal or replacement may become necessary as a result of depreciation or obsolescence. Standard conditions and specifications for construction, etc.
Proviso.

4b. In prescribing the said conditions and specifications the Board shall take into consideration only such standards as in general practice may have been found necessary for the protection of life and property and for the provision of an efficient service to the public without regard to any particular type of equipment or apparatus.

4c. The Board may, whenever in its judgment it shall appear that such a procedure is desirable or necessary in the public interest, render to any company or person requesting the same, such advisory, supervisory, or other assistance respecting the construction, management and operation of telephone systems, as the Board may deem advisable, and may fix the terms and conditions under which any such assistance shall be given. Assistance to applicants.

4d. The Board may, whenever in its judgment it shall appear that such a procedure is desirable or necessary for the purpose of carrying into effect any of the provisions of this Examination of and report upon existing systems.

Act,

Act, appoint or direct any person to examine and report upon the construction, operation or management of any telephone system within the Legislative jurisdiction of Ontario, and for this purpose such person shall have full power and authority at all reasonable hours to enter any building, office, or other premises belonging to or connected with any such system and to examine and check all books, accounts, tariffs, rates, balance sheets and other papers, records and documents relating to any such system and to examine the switchboards, instruments, toll stations and all other property of whatsoever nature which belongs to or forms a part of such system.

Furnishing
reports,
etc.

4e. Every company or person operating a telephone system or systems within the Legislative jurisdiction of Ontario shall on or before the first day of January in each year, or at such other times as the Board may require, furnish the Board, in such form as it shall prescribe, with such statements, reports and returns respecting the cost, receipts, expenditure, operation, management or equipment of such system or systems as the Board may decide to be desirable or necessary.

Interchange
of service.

4f. Notwithstanding anything in any Act contained, if in the opinion of the Board it becomes necessary or desirable for the purpose of effecting an interchange of service between two or more telephone systems or lines, to erect poles or wires upon the roads or highways of any village or township municipality beyond the limits of the municipality in which one or either of such telephone systems is located, the company or person operating such system shall have the right to erect such poles and wires along the said roads or highways upon such terms and conditions as may be agreed upon between the Council of the said village or township municipality and the said company or person, and in case the said Council and company or person are unable to agree, then upon such terms and conditions as shall be prescribed by the Board.

Terms.

Prohibition
of sales
or trans-
fers of
systems
without
consent
of Lieu-
tenant-
Governor
in Council.

4g. Notwithstanding anything in any Act contained, no company or person or persons owning a controlling interest in any telephone system within the Legislative jurisdiction of Ontario, shall sell or transfer such system or controlling interest therein to, or amalgamate with, or enter into any agreement or arrangement which shall, in effect, transfer the ownership or control of such system or controlling interest therein, to any company or corporation which has been declared to be a work for the general advantage of Canada or which is not within the Legislative jurisdiction of Ontario, until the Lieutenant-Governor in Council has approved of such sale, transfer, amalgamation, agreement or arrangement.

CHAPTER 56.

An Act to amend The Local Municipal Telephone Act, 1908.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 15 of *The Local Municipal Telephone Act* ^{8 Edw. VII., c. 49, s. 15,} 1908 is amended by striking out the words "the Lieutenant-Governor in Council may authorize an officer of the Department of Public Works or of the Department of Agriculture, or any other officer at the seat of Government at Toronto," and substituting therefor the words "the Ontario Railway and Municipal Board shall have full power and authority." ^{Power given to Ontario Railway Board to superintend construction.}

2. The said Act is amended by adding the following section:— ^{8 Edw. VII. c. 49 amended.}

13a. (1) Upon a petition of the majority of the subscribers the Council shall place the system under the supervision of a Board of three commissioners, who shall be responsible for the efficient construction, maintenance and operation of all plant and equipment comprising the said system and all extensions thereof. ^{Board of Commissioners.}

(2) The Commissioners shall be elected at a general meeting of the subscribers duly called for the purpose. ^{Election of Commissioners.}

(3) The subscribers in general meeting assembled may make By-laws not contrary to law or to the said Act or to this Act, to regulate:— ^{By-laws of Subscribers.}

(a) The time at which and place where the meetings of the subscribers shall be held; the calling of meetings of subscribers, and the procedure in all things at such meetings.

(b)

(b) The term of service, manner of election, duties and remuneration of the Commissioners.

(c) The conduct of the affairs of the system.

(4) The members of the council shall have the right to attend all meetings of the subscribers and shall be entitled to vote thereat.

Control of
when sys-
tem re-
tained by
Council.

(5) In the event of the subscribers failing to petition the Council as provided in subsection 1, the supervision of the system shall remain in the control of the Council, which shall have full power and authority to employ such persons as it may decide to be necessary for the efficient construction, maintenance and operation of the said system, and to make all necessary expenditures in connection therewith.

Saving as
to collection
of rates by
initiating
municipal-
ity.

(6) Nothing contained in this section shall be held to vary or interfere with the rights of the initiating Municipality in regard to the levying of any special rate or the collection of all moneys which may from time to time be due to the initiating Municipality from the subscribers for repayment of principal and interest or the cost of operation and maintenance as provided in the said Act.

CHAPTER 57.

The Municipal Amendment Act, 1911.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 87 of *The Consolidated Municipal Act 1903*, is ^{3 Edw. VII.,} amended by adding the following as subsection (2): ^{c. 19, s. 87,} amended.

(2) Where in any order heretofore made under section 24 annexing part of a township to a city the assessment of the land is fixed for a term of years, every person who is rated for sufficient real property in the annexed part to entitle a person to vote in a township shall, during the period of the fixed assessment, be entitled to vote in the city.

Qualifica-
tion of
voters when
part of
township
annexed
to city.

2. Subsection 3a of section 129 of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "statutory" in the 6th line thereof and inserting in lieu thereof the word "solemn."

Sec. 129 (3a)
amended.

3. Subsection 7 of section 277 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "purpose" in the fourth line thereof, the words "under this Act."

Sec. 277 (7)
amended.
Reversing
action of
Board of
Control.

4. Section 348 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:

3 Edw. VII.,
c. 19, s. 348
repealed.

348. In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the Deputy Returning Officer for every ward or polling subdivision a voters' list, printed or written, or partly printed and partly written, containing the

Clerk to
deliver to
deputy
returning
officer
voters'
list.

names,

names, arranged alphabetically, of all freeholders appearing by the last revised voters' list to be entitled to vote in that ward or polling subdivision and of all leaseholders whose names appear on that part of such last revised voters' list relating to the ward or subdivision and who have filed certificates as provided by subsection 1 of section 354, and he shall certify such list to be correct.

3 Edw. VII.,
c. 19, s. 389,
amended.

5. Section 389 of *The Consolidated Municipal Act, 1903*, is amended by adding the following subsection:

Power to
issue de-
bentures
for erect-
ing, enlarg-
ing and
furnishing
registry
office, etc.

(4) A city forming a separate Registry Division may at any meeting of the council without submitting the same to the electors, pass a by-law or by-laws for borrowing by the issue of debentures payable within twenty years, such sums of money as may be required for erecting, building, enlarging, renewing or furnishing a registry office, and for acquiring such land as may be necessary or convenient for the purposes thereof or such sums as may be required to liquidate their share of the cost thereof.

3 Edw. VII.,
c. 19, s. 389,
subs. 1,
amended.
By-laws
requiring
assent of
electors—
exceptions.

6. Subsection 1 of section 389 of *The Consolidated Municipal Act, 1903*, is amended by striking out the first six lines and substituting therefor the following: "except where otherwise provided by this or any other Act every by-law for raising."

3 Edw. VII.,
c. 19,
amended.

7. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following as section 432a:

Local
improve-
ment
debentures
containing
general
promise to
pay binding
on muni-
cipality.

432a. Every local improvement debenture containing a general promise of the Municipality to pay the moneys thereby secured, issued or to be issued pursuant to a by-law heretofore passed under the provisions of this Act, relating to local improvements, which in effect declares that the debt to be created under such by-law is further guaranteed by the municipality at large, shall be a valid debenture and shall bind the municipality at large to pay the moneys secured by such debenture according to the terms thereof, notwithstanding that such debenture does not, in form, contain any guarantee of the municipality.

3 Edw. VII.,
c. 19, s. 540,
amended.

8.—(1) Section 540 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following as paragraph 3:

3.—For licensing and requiring the registration of dogs ^{Licensing dogs.} and imposing a license fee on the owners, possessors or harbourers of dogs, with the right to impose a larger fee in the cases of bitches or for each additional dog or bitch where more than one is owned, possessed or harboured by any one person or in any one household and where such license is imposed and is equal to or exceeds the amount of the tax imposed by *An Act for the Protection of Sheep and to Impose a Tax on Dogs*, the provisions of sections 1, 3, 5 and 7 of said Act shall not apply to any city or town while such by-law remains in force, and it shall not be necessary to enter any particulars as dog taxes on the collector's roll. ^{Rev. Stat. c. 271.}

(2) Paragraph 2 of the said section 540 is amended by ^{3 Edw. VII. c. 19, s. 540} adding at the end thereof the words following “or those im- ^{(2),} ^{amended,} ^{killing} ^{dogs.} pounded under the provisions thereof.”

9. Clause (a) of paragraph 1 of Section 542 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word “of” the words “or alterations and repairs to.” ^{Sec. 542 amended. Regulating alterations and repair of buildings.}

10. Section 547 of *The Consolidated Municipal Act of 1903*, is amended by adding thereto the following ^{3 Edw. VII. c. 19, s. 547. amended.} paragraph:

7. “The Council of a township may on the petition of 25 ratepayers pass a by-law or by-laws for pur- ^{Purchase of spraying machines.} chasing and procuring the necessary material for operating, and for operating spraying machines for the purpose of spraying fruit trees within the municipality and for regulating the user of the same.”

11. Section 559 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following paragraph: ^{3 Edw. VII. c. 19, s. 569 amended.}

“10. For providing that the reels, engines and vehicles of the Fire Department shall have the right of way on the streets and highways while pro- ^{Fire reels to have right of way on streets.} ceeding to a fire or answering a fire alarm call.”

12. Subsection 10 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word “alleys” in the third line thereof the words “moving pic- ^{Sec. 583, par. 10. amended. Preventing and regulat- ing moving picture shows.} ture shows where vaudeville performances are introduced.”

13. Section 618a of *The Consolidated Municipal Act, 1903*, as enacted by section 25 of *The Municipal Amendment Act, 1907*, is repealed and the following section substituted therefor:— ^{3 Edw. VII. c. 19, s. 618a repealed.}

Materials
to be used
in county
bridges.

618a. Every iron, steel, concrete, or stone bridge constructed by or under the jurisdiction and control of the corporation of a county shall be built in accordance with specifications approved of by the Engineer of Highways of the Department of Public Works of Ontario.

3 Edw. VII.,
c. 19, s. 636
amended.

14. Section 636 of *The Consolidated Municipal Act, 1903*, is amended by adding the following subsection:—

Power of
Ontario
Motor
League.

- (2) The Ontario Motor League shall have the same powers with reference to motor vehicles and persons travelling on or in them as the Canadian Wheelmen's Association has under subsection (1) with reference to bicycles and travellers on bicycles.

Rev. Stat.,
c. 225, s. 32,
subs. 1,
amended

15.—(1) Subsection 1 of section 32 of *The Act Respecting the Establishment of Municipal Institutions in Territorial Districts* is repealed and the following substituted therefor:

Special
powers.

- (1) The Council of every such Municipality shall also have power to pass by-laws in respect of the several matters named in the following sections of *The Municipal Act*, namely, Clause 6 of section 537, clause 2 of section 539, clauses 2 to 13 inclusive of section 542, clauses 1 and 2 of section 557, clause 9 of section 559, clause 11 of section 580, clause 6 of section 586, clause 2 of section 592.

Rev. Stat.,
c. 225, s. 39,
amended.

(2) Section 39 of *The Act respecting the Establishment of Municipal Institutions in Territorial Districts* is repealed and the following substituted therefor:—

Power to
aid other
municipali-
ties in
making
roads, etc.

39. The Council of any Municipality may pass by-laws for granting aid to any local Municipality within such Municipality or to any immediately adjoining Municipality in making, opening, widening, raising, lowering or otherwise improving any highway, road, street or bridge within such local or adjoining Municipality.

CHAPTER 58.

An Act to Amend The Consolidated Municipal Act,
1903, with respect to Local Improvements.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. This Act may be cited as *The Local Improvement* Short title.
Sections of The Municipal Act. New.

INTERPRETATION.

2. In this Act:—

Interpreta-
tion.

- (a) "Bridge" shall include a viaduct, a culvert, a sub-way and an embankment and shall also include a pavement on a bridge.
- (b) "Clerk" shall mean and include the clerk of the municipality and any officer or person authorized or required by the council to perform any duty which under this Act is to be or may be performed by the clerk.
- (c) "Constructing" and "construction" shall include reconstructing and reconstruction, wholly or in part, when the lifetime of the work has expired.
- (d) "Corporation" shall include the corporation of a municipality other than a police village and a board of police trustees of a police village.
- (e) "Corporation's portion of the cost" shall mean that part or proportion of the cost of a work which is not to be specially assessed, but is payable by the corporation.

(f)

- (f) "Council" shall mean the council of the corporation of a municipality other than a police village and the board of police trustees of a police village as the case may be.
- (g) "County" shall include "district."
- (h) "Court of Revision" in the case of a police village shall mean the board of police trustees of the police village.
- (i) "Curbing" shall include a curbing of any material in or along a street, whether constructed in connection with or apart from the laying down of a pavement or sidewalk, or with or without a projection for the purpose of a gutter.
- (j) "Engineer" shall include an officer or person authorized or required by the council to perform any duty which under this Act is to be or may be performed by an engineer.
- (k) "Frontage" when used in reference to a lot abutting directly on a work shall mean that side or limit of the lot which abuts directly on the work.
- (l) "Judge of the County Court" shall mean and include the judge and a junior judge of a county or district court.
- (m) "Lifetime" as applied or applicable to a work shall mean the lifetime of the work as estimated by the engineer, or in case of an appeal as finally determined by the Court of Revision or the judge (as the case may be).
- (n) "Lot" shall mean a subdivision or a parcel of land which by *The Assessment Act* is required to be separately assessed, and "lots" shall mean more than one lot as so defined.
- (o) "Municipality" shall include a union of townships, a municipality composed of more than one township, a township, a city, a town, a village, and a police village, but not a county. *New.*

- (p) "Owner" and "owners," shall mean respectively the person or persons appearing by the last revised assessment roll of the municipality to be the owner or owners of land, and, except in the case of a township, shall include a tenant for years, the unexpired term of whose tenancy including any renewal thereof to which he is entitled extends for not less than the period during which the special assessment for the work is to be made, if by the terms of his tenancy he would be liable for the payment of the special assessment for the work, but shall not include a person who is, or is assessed as, owner, where there is a tenant for years of the land, who is an owner within the meaning of this clause. 3 Edw. VII., c. 19, s. 668 (2-3). *Amended.*
- (q) "Owners' portion of the cost" shall mean that part or proportion of the cost of a work which is to be specially assessed upon the land abutting directly on the work or upon land immediately benefited by the work.
- (r) "Pavement" shall include any description of pavement or roadway.
- (s) "Paving" shall include macadamizing, planking, and the laying down or construction of any description of pavement or roadway and the construction of a curbing.
- (t) "Publication" and "published" shall mean insertion in a newspaper published in the municipality, if there is a newspaper published therein, or if there is none, then in a newspaper published in the county in which the municipality is situate.
- (u) "Sewer" shall include a common sewer and a drain.
- (v) "Sidewalk" shall include a footway and a street crossing.
- (w) "Specially assessed" shall mean specially rated for or charged with part of the cost of a work.
- (x) "Street" shall include a lane, an alley, a park, a square, a public drive and a public place or a part of any of them.
- (y)

- (y) "Value" shall mean assessed value, exclusive of buildings, according to the last revised assessment roll of the municipality.
- (z) "Work" shall mean a work or service which may be undertaken as a local improvement.
- (aa) "Work undertaken" shall mean a work which is undertaken as a local improvement. *New.*

WORKS WHICH MAY BE UNDERTAKEN AS LOCAL IMPROVEMENTS

Works
which may
be effected
as local im-
provements.

3.—(1) A work of any of the characters or descriptions hereinafter mentioned may be undertaken by the council of a corporation as a local improvement, that is to say:

- (a) Opening, widening, extending, grading, altering the grade of, diverting or improving a street;
- (b) Opening or establishing a new street;
- (c) Constructing a bridge as part of a street;
- (d) Constructing, enlarging or extending a sewer;
- (e) Paving a street;
- (f) Constructing a curbing or a sidewalk in, upon or along a street;
- (g) Constructing or maintaining a boulevard where a part of a street has been set apart for the purposes of a boulevard;
- (h) Sodding any part of and planting, maintaining and caring for trees, shrubs and plants upon and in a street;
- (i) The extension of a system of water, gas, light, heat or power works owned by the corporation, including all such works as may be necessary for supplying water, gas, light, heat or power to the owners of land, for whose benefit such extension is provided.
- (j) Acquiring, establishing, laying out and improving a park or square not having a greater area than two acres, or a public drive. 3 Edw. VII. c. 19, s. 664, pars. 1-3. *Amended.*
- (k) Constructing, on petition only, retaining walls, dykes or breakwaters along the banks of rivers, but this clause shall only apply to a city or town. *New.*

(2) Nothing in this section shall extend or apply to a work of ordinary repair or maintenance. 3 Edw. VII., c. 19, s. 666 (1). *Part.*

4.—(1) Where the work is the construction of a pavement, the Council, before constructing it, may make all necessary private drain connections from an existing sewer to the street line on either or both sides, and may also lay all necessary water mains and where gas works are owned by the Corporation all necessary gas mains, and make such alterations or renewals of water service pipes and stopcocks, and, where gas works are owned by the Corporation, of gas connections as are necessitated by the work, and where the work is the construction of a sewer the Council may make all necessary private drain connections to the street line on either or both sides, but the cost of a private drain connection, alteration or renewal of a water service pipe, stopcock or gas connection shall be specially assessed only upon the particular lot for or in connection with which it was constructed or effected. 3 Edw. VII., c. 19, s. 673 (1), (3). *Amended.*

What works may be undertaken in connection with a sewer or pavement

(2) The works mentioned in subsection 1 shall be deemed part of the work of construction of the pavement or sewer in all respects except as to the manner in which the cost of them is to be specially assessed as provided by that subsection. *New.*

(3) The amount to be assessed against each lot in respect of a private drain connection, water service pipe or gas connection shall be the cost thereof from the centre of the street to the street line whether or not the sewer or water or gas main is laid in the centre of the street. *New. See* 6 Edw. VII., c. 34, s. 37, *last part.*

5. Where a sewer has been or may hereafter be constructed the Council, by a vote of two-thirds of all the members thereof at any general or special meeting, may undertake the construction of private drain connections from the sewer to the street line on either or both sides as a local improvement without any petition therefor and the cost of each private drain connection shall be specially assessed upon the particular lot for or in connection with which it is constructed, and the owners of the land shall not have the right of petition provided for by section 13, and the provisions of subsection (3) of section 4 shall apply. 6 Edw. VII., c. 34, s. 37. *Amended.*

Construction of private drain connections without petition.

6. In a township where the owners of land have constructed a work which might have been undertaken as a local improvement the Council, upon the petition of three-fourths

Purchase by township of works already constructed.

in]

in number of the owners of the land to be immediately benefited by the acquisition of the work, representing at least two-thirds of the value of such land, may acquire the work at a price agreed upon or to be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1903*, and the purchase money may be provided by the Council and may be assessed in like manner as if the work were a work which the Council were undertaking as a local improvement, and all the provisions of this Act shall apply as if the Council were undertaking the work so acquired as a local improvement. 3 Edw. VII., c. 19, s. 674 (4). *Amended.*

Approval of
Ont. Ry. and
Municipal
Ed. required
in the case
of certain
works.

7.—(1) Where the work is the opening, widening, or extension of a street or the construction of a bridge, and the cost of the work as estimated by the engineer will exceed \$50,000, any person whose land is to be specially assessed may, within ten days after notice to him of the intention of the Council to undertake the work, give notice that he objects to the work being undertaken upon the ground that it is a work for the general benefit of the municipality or of a section or district thereof, and if such notice is given the work shall not be undertaken without the approval of "The Ontario Railway and Municipal Board."

Approval
may be
withheld.

(2) If the Board, after notice to the corporation and to all persons interested and after hearing such of them as shall request to be heard, determines that for the reasons mentioned in subsection 1, or either of them, it is proper to do so the Board may withhold its approval.

Apportion-
ment of
cost of
work.

(3) If the Board determines that the cost of the work should be borne by the corporation or by the owners of the land situate within a section or district of the municipality, the Board may make an order so declaring, and in that event the Council may, notwithstanding the provisions of this Act or of any by-law passed under the authority of this Act, undertake and proceed with the work at the cost of the corporation or of the section or district thereof mentioned in the order (as the case may be).

(4) The Board, instead of making an order under subsection 3, may direct that if the work is undertaken such part of the cost of it as the Board may deem just shall be charged upon the lots abutting directly upon the work, in accordance with the provisions of this Act and that the residue of it shall be borne by the corporation or partly by the corporation and partly by a section or district of the municipality in such proportions as the Board may direct, and if the Council undertakes the work it shall conform with the directions of the order so made. *New.*

(5) The special assessments upon the lots shall not be made by the Board, but by the Council, in accordance with the provisions of this Act. *New.*

PROCEDURE FOR UNDERTAKING WORK.

8.—(1) A by-law may be passed for undertaking a work as a local improvement Methods of undertaking works.

(a) On petition, or

(b) Without petition, on the initiative of the Council, hereinafter called the initiative plan, except in the case of a park or square or public drive mentioned in clause (j) of section 3, or

(c) On sanitary grounds, as mentioned in section 10, or

(d) Without petition in the cases mentioned in sections 5 and 9. *New.*

(2) Instead of passing separate by-laws for each work the Council may pass one by-law in respect of several works. *New.*

9.—(1) Notwithstanding anything to the contrary contained in this or any other Act or in any by-law of the municipality, where the Council determines and by by-law, passed at any general or special meeting by a vote of two-thirds of all the members thereof, declares that it is desirable that the construction of a curbing, pavement, sidewalk or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, should be undertaken as a local improvement, the Council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 13. 3 Edw. VII., c. 19, s. 677. *Amended.* Construction of certain works on a two-thirds vote of council without petition.

(2) Subsection (1) shall not apply to a township.

10. Where the Council, upon the recommendation of the Provincial Board of Health or of the Local Board of Health of the municipality, determines and by by-law passed at a regular or special meeting of the Council by a vote of two-thirds of all the members thereof, declares that the construction, enlargement or extension of a sewer as a local improvement is necessary or desirable in the public interest on sanitary grounds, the Council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 13. 3 Edw. VII., c. 19, s. 668. *Par. 4 amended.* Construction of sewer on recommendation of Board of Health.

Publication
of notice of
intention.

11. Where it is intended to proceed under sections 5, 9 or 10 the Council shall not be deemed to proceed on the initiative plan, but, before passing the by-law for undertaking the work, shall cause notice of its intention (Form 1) to be published.

Number of
signatures
to petition
required.

12. The petition for a work shall be signed by at least two-thirds in number of the owners representing at least one-half the value of the lots liable to be specially assessed. 3 Edw. VII., c. 19, s. 668 (1). *First part amended.*

Initiative
plan—
publication
and service
of notice of
intention to
construct
work.

13.—(1) Where the Council proceeds on the initiative plan, notice of the intention of the Council to undertake the work (Form 2) shall be given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed; and unless within one month after the first publication of the notice a majority of the owners representing at least one-half the value of the lots which are liable to be specially assessed petition the Council not to proceed with it, the work may be undertaken as a local improvement. 3 Edw. VII., c. 19, s. 669 (1) *Part amended.*

Contents
of notice.

(2) The notice shall be sufficient if it designates by a general description the work to be undertaken and the street or place whereon or wherein, and the points between which the work is to be effected, and the number of the instalments by which the special assessment is to be payable. 3 Edw. VII., c. 19, s. 669 (1b). *Amended.*

May cover
different
works.

(3) The notice may relate to and include any number of different works. 3 Edw. VII., c. 19, s. 669 (1). *Part amended.*

Manner of
service.

(4) The notice may be served upon the owner

- (a) Personally, or
- (b) By leaving it at his place of business or of residence if within the municipality, or
- (c) By mailing it at a post office within the municipality addressed to the owner at his actual place of business or of residence, if known, or at his place of business or residence as set forth in the last revised assessment roll of the municipality, or
- (d) If the place of business and of residence of the owner are not known, by leaving the notice with a grown-up person on the lot of the owner which is liable to be specially assessed, if there is a grown-up person residing thereon. 3 Edw. VII., c. 19, s. 669 (1a). *First part amended.*

(5) If the place of business and of residence of the owner are unknown, and there is no grown-up person residing on the lot of the owner which is liable to be specially assessed, service upon the owner shall not be requisite. *New.* Where residence, etc., unknown.

(6) If the place of business or of residence of the owner do not appear upon the assessment roll, the owner may be treated and dealt with as an owner whose place of business and of residence are unknown. *New.* Where residence, etc., is not in assessment roll.

(7) Publication and service of the notice may be proved by affidavit or statutory declaration and the affidavit or statutory declaration, before the passing of the by-law by which the special assessment is made to defray the cost of the work, shall be *prima facie* evidence, and after the passing of the by-law shall be conclusive evidence of the matters set forth in the affidavit or statutory declaration. 3 Edw. VII., c. 19, s. 669 (1a). *Last part amended.* Proof of publication and service.

14.—(1) Where the Council has proceeded on the initiative plan and has been prevented from undertaking a work by reason of a petition having been presented under the provisions of section 13, the Council shall not proceed on the initiative plan with regard to the same work for the period of two years after the presentation of the petition: Provided always that in a municipality in which a by-law passed under the provisions of section 51 is in force the prohibition contained in this section shall not prevent the Council from again proceeding on the initiative plan with regard to such work if it is of a different kind or description from or less expensive than that originally proposed to be undertaken. 3 Edw. VII., c. 19, s. 669 (2). *Amended.* Effect of petition against work. Proviso.

(2) Nothing in this section shall prevent the Council from exercising the power conferred by section 9. *New.*

15. There shall be set out opposite to every signature to the petition for or against a work a description of the lot of which the petitioner is the owner by its number or such other description as will enable the clerk to identify it. *New.* Lot of petitioner to be described.

16.—(1) The sufficiency of a petition for or against a work shall be determined by the clerk, and his determination shall be evidenced by his certificate and when so evidenced shall be final and conclusive. *New, see 3 Edw. VII., c. 19, s. 668 (1).* Clerk to determine sufficiency of petition.

(2) Where the sufficiency of a petition has been determined by the Clerk it shall be deemed to have been and to be a sufficient petition notwithstanding that changes may what owners to be counted.

be made by the Court of Revision or by the Judge in the lots to be specially assessed which have the effect of increasing or reducing the number of the lots. *New.*

Determin-
ing value
of lots.

(3) When it is necessary to determine the value of any lot and the same cannot be ascertained from the proper assessment roll by reason of the lot not having been separately assessed, or for any other reason, the clerk shall fix and determine the value of such lot and the value thereof as so fixed and determined shall be deemed for the purposes of this Act to be the assessed value thereof, and his determination shall be final and conclusive. *New. See 3 Edw. VII., c. 19, s. 669 (3).*

Owner
whose name
is not on
roll may
petition.

(4) Where a person who is, but does not appear by the last revised assessment roll of the municipality to be, the owner of land is a petitioner, he shall be deemed an owner if his ownership is proved to the satisfaction of the clerk, and if the person who appears by the assessment roll to be the owner is a petitioner his name shall be disregarded in determining the sufficiency of the petition. 3 Edw. VII., c. 19, s. 669 (5). *Amended.*

Case of
joint
owners.

(5) Where two or more persons are jointly assessed for a lot, in determining the sufficiency of a petition

(a) They shall be reckoned as one owner only;

(b) They shall not be entitled to petition unless a majority of them concur and the signatures of any of them, unless the petition is signed by the majority, shall be disregarded in determining the sufficiency of the petition. *New.*

Witnesses.

(6) The clerk, for the purpose of any inquiry pending before him under the provisions of this section, may cause witnesses to be summoned and to be examined upon oath, and any person interested in the inquiry may, for the purpose of procuring the attendance of a witness, cause a subpoena to be issued out of the County Court of the county in which the municipality lies. *New.*

Witness
fees.

(7) A witness, if a resident of the municipality, shall be bound to attend without payment of any fees or conduct money, and if not a resident of the municipality shall be entitled to fees and conduct money according to the County Court scale. *New.*

Complaints
to be investi-
gated by
county
judge.

(8) Where any person complains to the clerk that his signature to the petition was obtained by fraud, misrepresentation or duress the complaint shall be investigated and determined

determined by a Judge of the County Court and the Clerk shall delay certifying until he has received the finding or report of the Judge upon the complaint and in determining as to the sufficiency of the petition the clerk shall give effect to such finding or report. *New.*

17. A petition for or against the undertaking of a work shall be lodged with the clerk and shall be deemed to be presented to the Council when it is so lodged. *New.* Petitions to be lodged with clerk.

18. No person shall have the right to withdraw his name from, and no name shall be added to, a petition after the clerk has certified as to its sufficiency. *New.* Withdrawal of name from petition.

HOW COST OF WORK TO BE BORNE.

19.—(1) Except as in this Act is otherwise expressly provided, the entire cost of a work undertaken shall be specially assessed upon the lots abutting directly on the work, according to the extent of their respective frontages thereon, by an equal special rate per foot of such frontage sufficient to defray such cost. 3 Edw. VII., c. 19, s. 665 (1). *Amended.* Frontage rate.

(2) The following may be included in the cost of the work: Items which may be included in cost.

- (a) Engineering expenses.
- (b) Cost of advertising and service of notices.
- (c) Interest on temporary loans.
- (d) Compensation for lands taken for the purposes of the work or injuriously affected by it and the expenses incurred by the Corporation in connection with determining such compensation.
- (e) The estimated cost of the issue and sale of debentures and any discount allowed to the purchasers of them. *New.*

20. Where a contractor is employed to construct a pavement or sidewalk, and the council has required him to guarantee that he will so construct it that it shall, for a period not exceeding ten years, remain in good condition and suitable for safe and comfortable travel, and that he will, when required, make good any imperfections therein due to materials, workmanship or construction, in ascertaining the cost of the work Guarantee of work.

no deduction shall be made from the sum paid to the contractor by reason of such guarantee having been required. 9 Edw. VII., c. 73, s. 35. *Amended.*

Corporation
portion of
cost.

21. There shall be included in the corporation's portion of the cost—

(a) At least one-third of the cost of a sewer having a sectional area of more than four feet; and

(b) The entire cost of all culverts and other works in connection with a sewer or pavement which are provided and are required for surface drainage; and

(c) So much of the cost of a work as is incurred at street intersections. 3 Edw. VII., c. 19, s. 664a and s. 679 (1). *Amended.*

Apportion-
ment of
cost of
sewers.

22.—(1) Where the work is the construction of a sewer the Council may, by a vote of three-fourths of all the members, provide that a certain sum per foot frontage shall be specially assessed upon the land abutting directly on the work and that the remainder of the cost of such sewer shall be borne by the corporation. 7 Edw. VII., c. 40, s. 32. *Amended.*

(2) The part of the cost to be borne by the corporation shall not be less than that which, under section 21, is to be included in the corporation's portion of the cost. *New.*

Corporation
may
assume
part of cost
of sidewalk
or pave-
ment.

23.—(1) The Council of the corporation of a municipality in which there is not in force a by-law passed under the provisions of section 51 applicable to the work, may by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the Council, provide that such part as to the Council may seem proper of the cost of every granolithic, stone, cement, asphalt or brick sidewalk, or of every pavement or curbing constructed as a local improvement which otherwise would be chargeable upon the land abutting directly on the work, shall be paid by the corporation. 3 Edw. VII., c. 19, s. 678. *Amended.*

(2) Such by-law shall not be repealed except by a vote of three-fourths of all the members of the Council. *New.*

Reduction
of assess-
ment of
corner lots,
etc.

24.—(1) In the case of corner lots and triangular or irregularly shaped lots situate at the junction or intersection of streets a reduction shall be made in the special assessment which otherwise would be chargeable thereon, sufficient, having regard to the situation, value and superficial

area of such lots as compared with the other lots, to adjust the assessment on a fair and equitable basis. 3 Edw. VII. c. 19, s. 673 (4). *Amended.*

(2) Where a lot is for any reason, wholly or in part, unfit for building purposes, a reduction shall also be made in the special assessment which otherwise would be chargeable thereon, sufficient to adjust its assessment as compared with that of the lots fit for building purposes, on a fair and equitable basis. 3 Edw. VII. c. 19, s. 673 (6). *Amended.*

(3) The reduction shall be made by deducting from the total frontage of the lot liable to the special assessment so much thereof as is sufficient to make the proper reduction, but the whole of the lot shall be charged with the special assessment as so reduced. *New.*

(4) The amount of any reduction made in the assessment of any lot under the provisions of this section shall not be chargeable upon the lots liable to be specially assessed, but shall be paid by the corporation. *New.*

25. Where the work undertaken is a sidewalk or curbing, only the land abutting on that side of the street upon which the work is constructed shall be specially assessed. *New.*

26.—(1) Where the work is a sewer and in order to afford an outlet for the sewage for any land not abutting directly on the work or for the drainage of it the sewer is of a larger capacity than is required for the purpose of the abutting land, such other land may be specially assessed for a fair and just proportion of the cost of the work. 3 Edw. VII., c. 19, s. 673 (2). *Amended.*

(2) In the cases provided for by subsection 1, that part of the cost of the work for which the abutting land is to be specially assessed shall be assessed upon it in the manner provided by section 19, and that part of the cost for which such other land is to be specially assessed shall be assessed upon it in the manner provided by sections 28 and 29. *New.*

27.—(1) Where the work is the construction of a bridge or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, and the Council is of opinion that for any reason it would be inequitable to charge the cost of the work on the land abutting directly thereon, the Council may provide for the payment by the corporation of such part of the cost, as to the Council may seem just, and so much of the residue thereof as may

seem just may be specially assessed upon the land abutting directly on the work and so much of such residue as may seem just on such other land as is immediately benefited by the work. 3 Edw. VII., c. 19, ss. 674 (1-2), 675, 675b. *Amended.*

Method of assessment.

(2) In the cases provided for by subsection 1, that part of the cost of the work for which the abutting land is to be specially assessed shall be assessed thereon in the manner provided by section 19, and that part of the cost for which land not abutting directly on the work is to be specially assessed shall be assessed thereon in the manner provided by sections 28 and 29. *New.*

Assessment of non-abutting land equally benefited.

28. Where land not abutting directly upon a work is to be specially assessed, if the whole of it is equally benefited the portion of the cost to be borne by such land shall be specially assessed upon the lots according to the extent of their frontage by an equal special rate per foot of such frontage. *New.*

Assessment of non-abutting land unequally benefited.

29. Where land not abutting directly upon a work is to be specially assessed and the whole of it is not equally benefited, such land shall be divided into as many districts or sections as there are different proportions of benefit and so that a district or section shall embrace all the land which will be benefited in the same proportion, and its proper portion of the cost shall be assigned to each district or section and the portion of the cost to be borne by each district or section shall be specially assessed on the lots therein according to the extent of their frontage by an equal special rate per foot of such frontage. *New.*

PROCEDURE FOR MAKING SPECIAL ASSESSMENT.

Procedure.

30.—(1) Where the owners' portion of the cost is to be specially assessed upon the lots abutting directly on the work by an equal special rate per foot frontage, before passing the by-law for undertaking it, the Council shall procure to be made:

- (a) A report as to the lifetime of the work;
- (b) A report as to the reductions (if any) which ought to be made under the provisions of section 24 in respect of any lot and the aggregate amount of such reductions;
- (c) An estimate of the cost of the work;

(d)

(d) A statement of the share or proportion of the cost which should be borne by the land abutting directly on the work and by the corporation respectively;

(e) A report as to the number of instalments by which the special assessment should be made payable;

(2) In the case of a work part of the owners' portion of the cost of which may be specially assessed on land not abutting directly on the work, before passing the by-law for undertaking the work, in addition to procuring the reports, and estimate mentioned in subsection 1, the Council shall procure to be made a further report stating:

(a) Whether it would be inequitable to charge the whole of the owners' portion of the cost on the land abutting directly on the work;

(b) If inequitable to do so, what portion of the cost should be borne by the corporation, what portion thereof should be specially assessed upon the land abutting directly on the work, and what land not abutting directly on the work will be immediately benefited and should be specially assessed for any part of the cost and the portion of the cost which should be specially assessed upon it. *New. See 3 Edw. VII., c. 19, s. 664, par. 5.*

31. Before a special assessment is imposed the Council shall procure to be made a special assessment roll, in which shall be entered

(a) Every lot to be specially assessed in respect of the owners' portion of the cost, the name of the owner and the number of feet of its frontage to be so assessed;

(b) Every lot which but for the provisions of section 48 would be exempt from the special assessment and the number of feet of its frontage;

(c) The rate per foot with which each lot is to be so assessed;

(d) The number of instalments by which the special assessment is to be payable.

How
reports,
statements,
etc., to be
made

32. The Council may provide for the making of the reports, statements, estimates and special assessment roll mentioned in sections 30 and 31 in such manner and by such officer of the corporation or person as the Council may deem proper, and may do so by a general by-law applicable to all works or to any class or classes of them or by a by-law applicable to the particular work. *New. See 3 Edw. VII., c. 19, s. 667.*

Holding of
Court of
Revision.

33.—(1) Before a special assessment is imposed a sittings of the Court of Revision, for the hearing of complaints against the proposed special assessment, shall be held.

Time and
place of.

(2) Ten days' notice of the time and place of the sittings shall be given by publication, and at least fifteen days before the day appointed for the sittings a notice (Form 3) shall be mailed to the owner of every lot which is to be specially assessed. 3 Edw. VII., c. 19, s. 671 (1) *last part* and (2-3). *Amended.*

Special
assessment
roll to be
kept open
for ten days.

34. The special assessment roll shall be kept open for inspection at the office of the clerk for at least ten days next before the day appointed for the sittings of the Court of Revision. 3 Edw. VII., c. 19, s. 671 (4). *Amended.*

Statement
of cost of
work for
Court of
Revision.

35. A statement showing under appropriate heads the actual cost of the work, verified by the certificate of the Clerk, Assessment Commissioner or Treasurer of the municipality shall be delivered to the Chairman of the Court of Revision before the meeting of the Court. *New.*

Powers of
Court.

36.—(1) The Court of Revision shall have jurisdiction and power to review the proposed special assessment and to correct the same as to all or any of the following matters:

(a) Where the owners' portion of the cost is to be specially assessed against the land abutting directly on the work, as to the following matters:

- (i) The names of the owners of the lots;
- (ii) The frontage or other measurements of the lots;
- (iii) The amount of the reduction to be made under the provisions of section 24 in respect of any lot;
- (iv) As to the lots which, but for the provisions of section 48, would be exempt from special assessment; and

(v) As to the lifetime of the work.

(vi) As to the rate per foot with which any lot is to be specially assessed.

(b) Where part of the owners' portion of the cost is to be specially assessed on land not abutting directly on the work, in addition to the matters mentioned in clause (a), as to the lots other than those abutting directly on the work which are or will be immediately benefited by it, and as to the special assessment which such lots should respectively bear. 3 Edw. VII., c. 19, s. 671 (5). *Part amended.*

(c) In all cases as to the actual cost of the work. *New.*

(2) The Court of Revision shall not have jurisdiction or authority to review or to alter the proportions of the cost of the work which the lands to be specially assessed and the corporation are respectively to bear according to the provisions of the by-law for undertaking the work. *New.*

37.—(1) Where it appears to the Court of Revision that any lot which has not been specially assessed should be specially assessed, before finally determining the matter the Court shall adjourn its sittings to a future day and shall cause notice (Form 3) to be given to the owner of such lot of the time and place when the adjourned sittings will be held.

Adjourned
sittings of
Court in
case of
omission to
assess cer-
tain lots.

(2) The notice shall be mailed at least six days before the time fixed for the adjourned sittings.

(3) If the Court of Revision determines that any such lot ought to be specially assessed, the Court shall have jurisdiction and power to fix and determine the amount of the special assessment thereon. 3 Edw. VII., c. 19, s. 671 (6). *Amended.*

38. The clerk shall make such corrections in the special assessment roll as are necessary to give effect to the decisions of the Court of Revision, and the roll when so corrected shall be certified by the clerk, and when so certified, except in so far as it may be further amended on appeal to the Judge, such assessment roll and the special assessment shall be valid and binding upon all persons concerned and upon the land specially assessed, notwithstanding any defect, error or omission therein or any defect or error in the by-law for undertaking the work or in any notice given or proceeding taken or the omission of any proceeding or thing which ought to have been taken or done before the passing of the by-law for undertaking the work or thereafter down to and including the completion of such revision. 3 Edw. VII., c. 19, s. 671 (7). *Amended.*

When
special
assessment
roll to be
final.

Appeal to
County
Judge

39.—(1) The Council or the owner of a lot specially assessed may appeal to the Judge of the County Court from any decision of the Court of Revision.

Application
of 4 Edw.
VII., c. 23.

(2) The provisions of *The Assessment Act* as to appeals to the Judge shall apply to an appeal under the provisions of subsection 1.

Powers of
judge.

(3) The Judge shall have the like jurisdiction and powers as are conferred on the Court of Revision by section 36, and the provisions of section 37 shall apply where it appears to the Judge that any lot not specially assessed ought to be so assessed. 3 Edw. VII., c. 19, s. 671 (5). *Part amended.*

BORROWING POWERS.

Temporary
loans.

40.—(1) The Council may agree with any bank or person for temporary advances to meet the cost of the work pending the completion of it. 3 Edw. VII., c. 19, s. 672 (1) *First part amended.*

Issue of
debentures.

(2) The Council may, when the work undertaken is completed, borrow on the credit of the corporation at large such sums as may be necessary to defray the cost of the work undertaken, including the corporation's portion of the cost, and may issue debentures for the sums so borrowed. 3 Edw. VII., c. 19, s. 672 (1), *last part and s. 685 (1). Amended.*

Application
of 3 Edw.
VII., c. 19.

(3) The provisions of *The Consolidated Municipal Act, 1903*, as to by-laws for creating debts shall apply to by-laws passed under the authority of subsection 2, except that it shall not be necessary

(a) That the by-law be submitted to or receive the assent of the electors. 3 Edw. VII., c. 19, s. 679 (2) *first part and see s. 685 (1).*

(b) That any rate be imposed for the payment of the principal of so much of the money borrowed as represents the owners' portion of the cost or of the interest thereon, other than the special rate per foot frontage imposed to meet it. *New.*

(c) To comply with the provisions of paragraphs 2, 3 and 4 of section 338 of *The Consolidated Municipal Act, 1903*. 3 Edw. VII., c. 19, s. 671 (1). *First part amended.*

And

And except that the debentures, save as provided by section 42, shall be payable within the lifetime of the work. 3 Edw. VII., c. 19, s. 672 (2). *First part amended.*

(4) The special rates imposed for the owners' portion of the cost shall form a special fund for the payment of the debentures issued under the authority of subsection 2 and the interest thereon and shall not be applicable to or be applied for any other purpose. *New.*

Special rates for owner's portion to form special fund.

(5) If in any year the amount realized from the special rate imposed to provide for the owners' portion of the cost and interest is insufficient to pay the amount falling due in such year in respect of so much of the debentures as represent the owners' portion of the cost the Council shall provide for the deficiency in the estimates for the following year and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon. *New. See* 3 Edw. VII., c. 19, s. 665 (2).

General rate to meet deficiency in special rate.

(6) The amount borrowed under the provisions of subsection 2, in respect of the owners' portion of the cost, shall not be deemed to be part of the existing debenture debt of the corporation within the meaning of section 384 of *The Consolidated Municipal Act, 1903*. 3 Edw. VII., c. 19, s. 685 (2). *First part amended.*

Owner's portion not to be deemed part of debenture debt of corporation.

(7) Instead of borrowing the amount of the corporation's portion of the cost of a work undertaken the Council may include the same in the estimates of the year. *New. See* s. 679 (1), *last part.*

Corporation's portion may be included in yearly estimates.

41.—(1) Where two or more works have been constructed and the by-laws provided for by subsection 2 of section 40 have been passed, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council by by-law hereinafter called the consolidating by-law, may provide for borrowing the aggregate of such separate sums and for issuing one series of debentures therefor.

Consolidation of by-laws.

(2) The consolidating by-law shall show by recitals or otherwise in respect of what separate by-laws it is passed.

Recitals.

(3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose. *New. See* 3 Edw. VII., c. 19, s. 433.

Rates not to be imposed by consolidating by-law.

Term of
annual
instalments
of special
assessment.

42.—(1) The Council shall impose upon the land liable therefor the special assessment with which it is chargeable in respect of the owners' portion of the cost, and the same shall be payable in such annual instalments as the Council shall prescribe but not so as to extend beyond the lifetime of the work, unless the work is of the class described in clause (j) of section 3, in which case the annual instalments may extend over a period of not more than 40 years. 3 Edw. VII., c. 19, s. 672 (2). *Last part amended.*

Interest.

(2) In fixing the amount of the annual instalments a sum sufficient to cover the interest shall be added. *New.*

Commuta-
tion of
special
rates.

(3) The Council may also either by a general by-law or by a by-law applicable to the particular work prescribe the terms and conditions upon which persons whose lots are specially assessed may commute for a payment in cash the special rates imposed thereon. 3 Edw. VII., c. 19, s. 664, *par. 7 part.*

Application
of 4 Edw.
VII., c. 23,
ss. 89-92.

43. The provisions of sections 89 to 92 and the other provisions of *The Assessment Act* as to the collection and recovery of taxes, and the proceedings which may be taken in default of payment thereof, shall apply to the special assessments and the special rates imposed for the payment of them. *New.*

Where
special
assessments
irregular
new assess-
ments may
be made.

44.—(1) If a debt has been incurred by the corporation for or in respect of a work undertaken before the passing of this Act and after the incurring of the debt the special assessment for the work is found or adjudged to be invalid or the by-law for borrowing money to defray the cost of the work is quashed or set aside either wholly or in part by reason of any irregularity or illegality in making such assessment or in passing such by-law, the Council shall cause a new assessment to be made or may pass a new by-law when and so often as may be necessary to provide the money required to be raised to discharge the debt so incurred. 3 Edw. VII., c. 19, s. 672 (3). *Amended.*

(2) In the case of a work undertaken after the passing of this Act, if the special assessment in respect of it has become confirmed under the provisions of section 38 no by-law for borrowing money to defray the cost of the work or for imposing the special assessment shall be quashed, set aside or adjudged to be invalid by reason of its illegality or of any defect in it, but the Court in which any proceeding for quashing, setting aside or declaring to be invalid the by-law is taken shall on such terms and conditions as to costs and otherwise as may be deemed proper direct the Council to amend or to repeal such by-law and, where a repealing by-law is directed,
to

to pass a new by-law in proper form in lieu of the repealed by-law, and it shall be the duty of the Council to pass such by-law or by-laws accordingly.

(3) Every liability or obligation incurred and every debenture issued by the corporation under the authority of any such defective or illegal by-law shall be as effectual and as binding as if the amending or new by-law directed to be passed had been passed and was in force at the time such liability or obligation was incurred or such debenture was issued.

(4) Although no proceeding has been taken to quash, set aside or declare invalid the by-law, the Council may of its own motion and if required by any person to whom it has incurred any liability on the faith of the by-law shall pass such amending or new by-law as may be necessary to make effectual and binding the liability so incurred and any debenture issued under the authority of such by-law, and the provisions of subsection (3) as to the effect of an amending or new by-law shall apply to any by-law so passed. *New.*

REPAIR OF WORK.

45. (1) After a work undertaken has been completed it shall during its lifetime be kept in repair by and at the expense of the corporation. 3 Edw. VII., c. 19, s. 666 (1). *Maintenance and repair of work by corporation.*
Part.

(2) Nothing in this Act shall relieve the corporation from any duty or obligation to keep in repair the highways under its jurisdiction, to which it is subject either at common law or under the provisions of *The Consolidated Municipal Act, 1903*, or otherwise, or impair or prejudicially affect the rights of any person who is damnified by reason of the failure of the corporation to discharge such duty or obligation. 4 Edw. VII., c. 22, s. 31. *General duty to repair not affected.*
Amended.

46.—(1) Where, at any time during the lifetime of a work undertaken, the corporation fails to keep and maintain it in a good and sufficient state of repair, and, after one month's notice in writing by the owner or occupant of any lot specially assessed requiring the corporation to do so does not put the work in repair, a Judge of the High Court, or the Judge of the County Court of the county in which the municipality lies, upon the application of any owner or occupant of any land so specially assessed, may make an order requiring the corporation to put the work in repair. 3 Edw. VII., c. 19, s. 666 (2). *Compelling corporation to repair.*
Amended.

(2) The Judge may determine what repairs are necessary and by his order may direct them to be made in such manner, within such time and under such supervision as he may deem proper.

(3) Where a person under whose supervision the repairs are to be made is appointed, the Judge may fix and determine the remuneration to be paid to such person and the same shall be paid by the corporation and payment thereof may be enforced in like manner and by the same process as a judgment for the payment of money.

(4) The order shall have the same effect and may be enforced in like manner as a peremptory mandamus.

(5) If the corporation does not comply with the order of the Judge, in addition to any other remedy to which the applicant for the order may be entitled, the Judge may authorize the repairs to be made by the applicant, and if made by him the cost thereof shall be ascertained and determined by the Judge and when so ascertained and determined payment thereof may be enforced in like manner and by the same process as a judgment for the payment of money.

(6) An appeal shall lie to a Divisional Court of the High Court from any order made under the provisions of this section, and the procedure where the appeal is from an order of a Judge of the High Court shall be the same as on an appeal from an order made in an action in the High Court, and if the appeal is from an order of a Judge of a County Court the same as on an appeal from an appealable order made in an action in the County Court. *New.*

ASSESSMENT OF LAND EXEMPT FROM TAXATION.

Certain lands exempt from taxation liable to be specially assessed.

47. Land on which a church or place of worship is erected, or which is used in connection therewith, and the land of a university, college or seminary of learning, whether vested in a trustee or otherwise, which is exempt from taxation under *The Assessment Act*, except schools maintained in whole or in part by a legislative grant or a school tax, shall be liable to be specially assessed. 3 Edw. VII., c. 19, ss. 683, 684 (1). *Part amended.*

Land exempt from taxation for local improvements to be specially assessed.

48. Land exempt from taxation for local improvements under any general or special Act shall nevertheless, for all purposes except petitioning for or against undertaking a work, be subject to the provisions of this Act and shall be specially assessed; but the special assessments imposed thereon which fall due while such land remains exempt, shall not be collected or collectable from the owner thereof but shall be paid by the corporation. 3 Edw. VII., c. 19, s. 684, (1) *part and (2) amended.*

STREET CLEANING, ETC.

49.—(1) The council may by by-law provide that there-^{Cleaning,}
after the annual cost of cleaning, clearing of snow and ice,^{watering,}
watering, oiling, sweeping, lighting, cutting grass and weeds,^{lighting,}
and trimming trees and shrubbery on any street, or any one^{streets,}
or more of such services shall be specially assessed upon the
land abutting directly on such street, according to the frontage
thereof, and the foregoing provisions of this Act shall not
apply to such services.

(2) Instead of naming the particular street or streets the
by-law may apply to all the streets in a defined section or
sections of the municipality.

(3) Where the council so provides the amount of the special
rate imposed to defray such cost may be entered on the
collector's roll and collected in like manner as other taxes.
3 Edw. VII., c. 19, ss. 682 (3) and 686. *Amended.*

(4) The by-law shall remain in force from year to year
until repealed. *New.*

SPECIAL PROVISIONS AS TO TOWNSHIPS, VILLAGES, ETC.

50.—(1) The council of a township or village and the^{Waterworks}
Board of Police Trustees of a police village may undertake^{and fire}
as a local improvement^{engines.}

(a) The construction of waterworks.

(b) The purchase of fire engines and other appliances
for the purpose of fire protection;

(c) The laying of mains and other appliances to connect
with any existing system of water works,
whether owned by the corporation or by any other
person.

(2) The council, by the by-law for undertaking the work,
may provide that the owners' portion of the cost shall be
specially assessed against the land in any defined section or
sections of the municipality and that the annual cost of
managing and maintaining the work shall be assessed against
and levied upon such land. 3 Edw. VII., c. 19, s. 687 (1-2);
10 Edw. VII., c. 85, s. 17. *Amended.*

(3) In the case of the purchase of fire engines and other^{Trustees for}
appliances for the purpose of fire protection, the council or^{managing}
board of police trustees may, by by-law, provide for^{fire engines}
^{and}
^{appliances.}

(a) The election of a board of three trustees; and the
time and manner of holding the election.

(b) The term of office of such trustees;

(c)

- (c) Filling vacancies in such board;
- (d) The election of an auditor;
- (e) The appointment of a second auditor by such board;
- (f) The duties of such auditors.

7 Edw. VII., c. 40, s. 35. *Amended.*

Care and control of fire engines, etc.

(4) The board of trustees shall have the care, control and management of such fire engines and appliances. 3 Edw. VII., c. 19, s. 687 (5).

Qualification of voters for election of trustees.

(5) No person shall be entitled to vote at the election of such trustees unless he is the owner of land to be specially assessed under the provisions of subsection 2, and is also qualified to vote at municipal elections. 3 Edw. VII., c. 19, s. 687 (6). *Amended.*

ADOPTION OF LOCAL IMPROVEMENT SYSTEM.

Adoption of local improvement system.

51.—(1) The council of a corporation by by-law passed with the assent of the municipal electors, in accordance with the provisions of *The Consolidated Municipal Act, 1903*, may provide that all works which may be undertaken as local improvements, or any one or more classes or descriptions of such works thereafter, or after a day named in the by-law, shall be undertaken as local improvements and not otherwise.

Repeal of By-law.

(2) The by-law may be repealed, but only by a by-law passed with the like assent. 3 Edw. VII. c. 19, s. 682 (1) and (2). *Part, amended.*

MISCELLANEOUS.

Special rates and covenant against incumbrances.

52. The special assessment and the special rates charged or chargeable upon land for or in respect of the cost of any work undertaken, whether upon petition or otherwise, except so much of them as is in arrear and unpaid shall not, as between a vendor and a purchaser, or as respects a covenant against incumbrances, or for the right to convey, or for quiet possession free from incumbrances, be deemed to be an incumbrance upon the land upon which the special rate is charged or chargeable. 3 Edw. VII., c. 19, s. 681. *Amended.*

When work may be completed.

53. Proceedings for undertaking a work begun by one council may be continued, and the work may be begun, continued and completed by a succeeding council. *New, see 3 Edw. VII., c. 19, s. 669 (4).*

54. The Ontario Railway and Municipal Board may approve of forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding which is in substantial conformity with the form so approved shall not be open to objection on the ground that it is not in the form required by the provisions of this Act applicable thereto, but the use of such forms shall not be obligatory. *New.* See 3 Edw. VII., c. 19, s. 670.

55.—(1) Sections 385, 433 and 664 to 693 of *The Consolidated Municipal Act, 1903* and all amendments thereto are repealed.

(2) Where proceedings have been begun before the passing of this Act the same may be continued and completed under the provisions of the enactments repealed by subsection (1), but sections 40, 41 and 46 of this Act shall apply to the work when completed. *New.*

FORM 1.

SECTION 11.

Take notice that

1. The Council of the Corporation of the _____ of _____ intends to construct as a local improvement (*describe the work*) on (or in) _____ street, between (*describe the points between which the work is to be constructed*) and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed add*) and upon the following land which is immediately benefited by the work (*describe the land*).

2. The estimated cost of the work is \$ _____, of which \$ _____ is to be paid by the Corporation. The estimated special rate per foot frontage is _____. The estimated assessment is to be paid in _____ annual instalments.

3. A petition against the work will not avail to prevent its construction.

Dated _____

Clerk.

(Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form will be altered to show the special rate per foot frontage in each district or section.)

FORM 2.

SECTION 13.

Take notice that

1. The Council of the Municipal Corporation of the _____ of _____ intends to construct (*describe the work*) on (or in) _____ street between (*describe the points between which the*

work

work is to be constructed) as a local improvement and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed add*) and upon the following land which is immediately benefited by the work (*describe the land*).

2. The estimated cost of the work is \$ _____, of which \$ _____ is to be paid by the Corporation, and the estimated special rate per foot frontage is _____. The special assessment is to be paid in _____ annual instalments.

3. Persons desiring to petition against undertaking the work must do so on or before the _____ day of _____ 19 ____.

Dated _____

Clerk.

(*Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form will be altered to show the special rate per foot frontage in each district or section.*)

FORM 3.

SECTIONS 33 (2) AND 37.

Take notice that

1. The Council of the Corporation of the _____ of _____ has constructed as a local improvement (*describe the work*) on (or in) _____ street between (*describe the points between which the work has been constructed*).

2. The cost of the work is \$ _____, of which \$ _____ is to be paid by the Corporation. The special rate per foot frontage is _____. The special assessment is to be paid in _____ annual instalments.

3. The estimated lifetime of the work is _____ years.

4. A Court of Revision will be held on the _____ day _____ 19 ___, at _____ o'clock at the (*insert place of meeting*) for the purpose of hearing complaints against the proposed assessments or the accuracy of frontage measurements and any other complaint which persons interested may desire to make and which is by law cognizable by the Court.

or (where the Court of Revision proceeds under section 37).

4. You are served with this notice because the Court of Revision is of opinion that your lot though not specially assessed should be specially assessed in respect of the owners' portion of the cost of the work and an adjourned sittings of the Court will be held on the _____ day of _____ 19 ___, at _____ o'clock at the (*insert place of meeting*) when the matter will be determined by the Court.

Dated _____

Clerk.

(*Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form will be altered to show the special rate per foot frontage in each district or section.*)

CHAPTER 59.

The Assessment Amendment Act, 1911.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Assessment Act* is amended by adding at the end of paragraph 9 thereof the following words: "Provided this paragraph shall not apply to any real property when occupied by any tenant or lessee."

4 Edw. VII.,
c. 23, s. 5,
par. 9,
amended.

When
property
of chari-
table in-
stitution
not to be
exempt.

2. Paragraph 16 of section 5 of *The Assessment Act* is amended by inserting the words "boilers and engines" between the words "including" and "gas" in the fourth line.

4 Edw. VII.,
c. 23, s. 5,
par. 16,
amended.

Assessment
of boilers
and engines.

3. Section 22b of *The Assessment Act*, as enacted by section 40 of Chapter 88 of the Acts passed in the 10th year of His late Majesty's reign, is amended by inserting after the word "section" in the seventh line the words "or the lands of any person which are not situate in any school section."

4 Edw. VII.,
c. 23, s. 22b,
amended.
Assessment
of land
en bloc.

4. Subsection 1 of section 53 of *The Assessment Act* is amended by adding after the word "cities" in the 17th line the words "and towns."

4 Edw. VII.,
c. 23, s. 53
(1), amend-
ed. Time
for making
assessment.

5. Subsection 2 of section 103 of *The Assessment Act* is amended by adding the following as paragraph 4:—

4 Edw. VII.,
c. 23, s. 103
(2),
amended.

4. Upon goods and chattels which at the time of making the assessment were the property and on the premises of the person taxed in respect of business assessment and at the time for collection of taxes are still on the same premises, notwithstanding that such goods and chattels are no longer the property of the person taxed.

Distress
on goods
and
chattels
sold by
person
taxed.

4 Edw. VII.,
c. 23, s. 10
amended.

6. Section 10 of *The Assessment Act* is amended by adding the following as subsection (9):

Effect of
general
words.

- (9) To remove doubts it is declared that wherever in this section general words are used for the purpose of including any business which is not expressly mentioned, such general words shall be construed as including any business not expressly mentioned whether or not such business is of the same or of a different kind than those expressly mentioned; the intention of the section being that every person carrying on a business shall be liable to "business assessment."
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CHAPTER 60.

An Act to amend The Municipal Drainage Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Municipal Drainage Act* is amended by inserting therein the following as section 80a: 10 Edw. VII., c. 90, amended.

80a. Notwithstanding anything contained in section 80 of this Act, the municipality whose duty it is to maintain and keep in repair a drainage work, shall not become liable in pecuniary damages to any owner of land whose property is injuriously affected by reason of the non-repair of such drainage work, unless and until after service by or on behalf of such owner of notice in writing upon the Reeve or Clerk of such municipality, describing with reasonable certainty the alleged lack of repair of such drainage work. Liability of municipality for damages caused by non-repair

2. Section 98 of the said Act is amended by adding thereto the following as subsection 7: 10 Edw. VII., c. 90, s. 98, amended.

(7) Where the amount awarded is upon a claim for damages by reason of the non-repair of a drainage work, the costs allowed shall be on the Division Court scale. Costs in award of damages for non-repair.

3. Section 80a, enacted by section 1 of this Act, shall not come into force until the 1st day of July, 1911. Commencement of sec. 1.

CHAPTER 61.

An Act to amend The Motor Vehicles Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII.,
c. 46,
amended

1. *The Motor Vehicles Act* is amended by adding the following section:—

Application
of penalty
where con-
stable or
municipal
officer
prosecutes.

20a. Where a constable or other officer of a municipality is the prosecutor or complainant any penalty or money imposed under this Act shall, when received, be paid over by the police magistrate or justice of the peace who imposed the penalty to the treasurer of the municipality for its use.

CHAPTER 62.

An Act to amend The Act Respecting Snow Fences.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 1 of *The Act respecting Snow Fences* is amended Rev. Stat. c. 240, s. 1, amended. by striking out all the words after the word "council" in the 14th line and substituting therefor the words "the same shall be settled by arbitration and three fence viewers appointed by the municipality shall be the arbitrators." Arbitrators.

2. The said section 1 is further amended by adding the following subsections:— Rev. Stat., c. 240, s. 1, amended.

(2) The arbitrators shall examine the premises and shall, if required, hear evidence and may administer an oath for such purpose. Duties of arbitrators.

(3) The arbitrators shall be entitled to \$2 a day, which shall be paid by the municipality if the amount of the award exceeds the amount offered by the municipality, otherwise by the owner or occupant. Fees.

(4) The award shall be filed in the office of the clerk of the municipality and an appeal shall lie therefrom to the Judge of the County or District Court of the County or District. Award to be filed in office of clerk.

(5) The provisions of section 11 of *The Line Fences Act* shall *mutatis mutandis* apply to such appeal. Rev. Stat., c. 284, s. 11, to apply.

3. Section 3 of The Act respecting Snow Fences is amended by striking out the words "under *The Municipal Act*" in the 11th and 12th lines and substituting therefor the words "as provided in section 1." Rev. Stat., c. 240, s. 3, amended.

CHAPTER 63.

An Act respecting Circuses and Travelling Shows.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Travelling Shows Act New*.

Circuses, etc., not to be exhibited without a license. **2.** No menagerie, circus, wild west show, trained animal show, or show of any kind whatsoever, shall be exhibited at any place in Ontario unless the owner, proprietor, manager, agent or person in charge of such show first obtains a license for that purpose from the Treasurer of Ontario. 3 Edw. VII. c. 28, s. 1.

License fee. **3.** Every applicant for a license shall make and file in the office of the Treasurer a statutory declaration setting forth the number of days upon which the show is to be exhibited in Ontario and the localities in which the performances or exhibitions are to be held, and for such license shall pay in advance to the Treasurer the sums following, for every day upon which the show is to be exhibited in Ontario:—

For every circus, menagerie, wild west show and not more than one side show, if travelling with over twenty cars	\$100.00
With twenty cars or less	50.00
For every trained animal show	15.00
For each additional side show	10.00

And for every other show such sum as may be determined by the Treasurer for every day upon which the show is licensed to be exhibited. 3 Edw. VII. c. 28, s. 2; 5 Edw. VII. c. 29, s. 1.

4. If any such show is exhibited as part of an Industrial Exhibition or Agricultural Fair the applicant shall pay such license fee as the Treasurer may impose, but not in excess of the fees fixed by section 3 for the particular class of show, and the Treasurer may have regard to any special circumstances of the case and may if he deems it advisable impose a nominal fee. 3 Edw. VII. c. 28, s. 3.

License fee for certain shows to be fixed by Provincial Treasurer.

5.—(1) Upon receiving the statutory declaration hereinbefore mentioned and upon payment of the license fee, the Treasurer may, in his discretion, issue a license and may at any time revoke the same upon being satisfied that the show is made the occasion for violation of the law or that gambling or any game of chance has been carried on in connection therewith.

Power to issue and revoke license.

(2) In case of the revocation of a license, the amount received for the same shall be refunded to the licensee, less the sum paid per day for every day during which exhibitions have been given under such license prior to the revocation thereof. 3 Edw. VII. c. 28, s. 4.

Refund on revocation.

6. Any person in charge of a show, or the owner, proprietor, manager or person having control thereof who exhibits the same or any part thereof, without obtaining a license shall incur a penalty of not less than \$200, and not more than \$300, for every day upon which such show or any part thereof has been exhibited at any place in Ontario. 3 Edw. VII. c. 28, s. 5.

Penalty for unlicensed exhibitions.

7. No Municipal Corporation shall issue a license to any show to which section 2 applies until the applicant produces a license from the Treasurer of Ontario authorizing the exhibition in the municipality, and any member or officer of a municipal corporation who is a party to the issue of a license in violation of the provisions of this section shall incur a penalty of \$20. 3 Edw. VII. c. 28, s. 7.

License, when Municipal Corporation to issue.

8.—(1) The members of the Provincial Police Force and the members of the Dominion Police Force shall have access free of all charge to all shows mentioned in section 2, and to every horse race, agricultural, horticultural or industrial exhibition, ball game, theatre or public gathering, and to the grounds, tents and buildings in which such shows, races, exhibitions and gatherings are held, during the hours in which the public are admitted thereto, and any person hindering, preventing or refusing such free access after any such officer has demanded admission and displayed his badge of office, shall incur a penalty not exceeding \$100, and not

Provincial and Dominion detectives and constables to have free access to all shows.

Penalty. less than \$50, or in the discretion of the convicting magistrate may be imprisoned for any term not exceeding three months. 9 Edw. VII. c. 26, s. 36.

Prosecu-
tions.
10. Edw.
VII., c. 37. **9.** The penalties imposed by this Act shall be recovered under *The Ontario Summary Convictions Act*. 3 Edw. VII. c. 28, s. 9. *Part.*

Fees and
penalties
to be paid
to treasurer **10.** All penalties recovered under this Act, and all fees paid for licenses under the provisions of this Act, shall be paid over to the Treasurer of the Province of Ontario for the use of the Province. 3 Edw. VII. c. 28, s. 9. *Part.*

License fees
to be in ad-
dition to fees
of muni-
cipalities. **11.** The license fees payable under this Act shall be in addition to any fees imposed by municipalities. 3 Edw. VII. c. 28, s. 10.

Repeal. **12.** The Act passed in the 3rd year of the reign of His late Majesty King Edward VII., chaptered 28, the Act passed in the 5th year of the said reign, chaptered 29, and section 36 of *The Statute Law Amendment Act, 1909*, are repealed.

CHAPTER 64.

An Act to amend The Liquor License Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The License duties payable for tavern licenses, other than beer and wine licenses, under the provisions of the Act passed in the sixth year of the reign of His late Majesty, King Edward the Seventh, chapter 47, section 10, subsection 1, as amended by the Act passed in the ninth year of the reign of His said Majesty, chapter 82, section 38, shall be and they are hereby increased by the addition to the sums set forth in the said Acts of a sum in the case of each such license equal to five per cent. of the amount by which the gross receipts from sales under such licenses wherever made, together with sales of cigars, cigarettes, tobacco or drinks or drinkable liquids other than liquor, or of any service or privilege, when made over, at, in or from the bar or bar-room of the licensed premises or for use or consumption at or in such bar or bar-room, shall in each day exceed the sum of sixty dollars, in the case of cities having a population over 100,000 and fifty dollars in all other cases.

increase in
license
duties im-
posed by 6
Edw. VII,
c. 47, s. 10,
and 9 Edw.
VII, c. 82,
s. 38.

Addition to
be based on
receipts.

2. On or before the tenth day of each calendar month the holder of each such license shall file with the Minister a statement under oath, made by such person or persons and in such form as may be directed by the Minister, of the amount of his gross sales as aforesaid for each day of the preceding calendar month and shall accompany such statement with payment of the amount, if any, due for such month under the provisions of section 1 of this Act. The oath required to be taken under this section may be taken before a commissioner for taking affidavits, a notary public or a justice of the peace.

Monthly
returns of
receipts
from gross
sales.

3. Notwithstanding anything in this Act contained any holder of any such license who shall make default in the filing of any statement or in the making of any payment re-

Penalty
for not
making
returns or
payments.

quired by this Act shall be liable to a penalty of \$10 for each day during which such default continues, and so for each such default, though running concurrently with other defaults, but such penalty or any portion thereof may be remitted by the Minister in his discretion. Upon the report of the Minister that any such default has continued for more than thirty days or that the statement filed by the holder of such license is false or that the holder of such license has failed after notice to comply with any regulation made pursuant to section 4 of this Act, an Order-in-Council may be passed cancelling such license and the same shall thereupon become null and void to all intents and purposes whatsoever. Such Order-in-Council may further provide for the disqualification for any period not exceeding three years of the holder of such license from obtaining any further or other license under *The Liquor License Act*.

Regulations
by Lieuten-
ant-Gov-
ernor-in-
Council.

4. The Lieutenant-Governor-in-Council may from time to time make regulations as hereinafter set forth, which regulations shall have all the effect of a statute and shall take effect from the date of the making thereof. Such regulations, amongst other things, in the case of any license falling within the provisions of this Act, may require the keeping of accounts and the handling of cash by the holder of such license in such manner as may be directed and the furnishing by such holder of such further evidence as may be directed as to the correctness of the statement to be filed pursuant to this Act, may provide for the holding of investigations into the correctness of such statement with such provisions as to the taking of evidence on oath, the summoning of witnesses, the enforcing of their attendance and the giving of testimony by them, the compelling of the production of books and documents, the disposition of the costs of the investigation and otherwise as may be thought desirable, may authorize entry upon the licensed premises, the examining and auditing of the accounts thereof and the taking over in whole or in part and for such time as may be required of the conduct of the business therein carried on for the purpose of enquiring as to the correctness of statements filed or to be filed pursuant to the provisions of this Act, the whole with or without the consent of the holder of such license, and, if so directed, at his expense, and, without being limited to the particulars above set forth, may contain such provisions as shall be deemed desirable for ensuring the better enforcement of this Act, and may also contain provisions applicable to the holders of any license under *The Liquor License Act*, or *The Act respecting Brewers and Distillers*, and other licenses of the same general character as the provisions above specified though not required for the purposes above stated, and may provide for the enforcement of any of the regulations herein

mentioned

mentioned by suspension of the license of the holder in question until such holder has complied with such regulations.

5. The addition to the license duties made by this Act shall not be taken into account in arriving at the sum payable for the transfer of a tavern license. Additional duties not to be considered.

6. Except as regards the total amount of license fees received under this Act for each license district, information obtained under this Act shall not be disclosed except to officers of the Government in the exercise of their duties. Information to be confidential.

7. The provisions of the Act passed in the sixth year of the reign of His late Majesty, King Edward the Seventh, chapter 47, section 11, shall be read as applying to and having reference to the license duties otherwise payable and without the addition provided for in this Act, and shall continue to have full force and effect accordingly. Application of 6 Edw. VII., c. 47, s. 11.

8. Notwithstanding anything in *The Liquor License Act* contained all sums payable under the provisions of this Act by way of license duties shall be payable to the Treasurer of the Province to and for the exclusive use of the Province. Duties to be payable for use of the Province.

9. The preceding eight sections of this Act shall come into force on the first day of May, 1911. Commencement of sections 1—8.

10. Section 20 of *The Liquor License Act* is amended by adding to subsection 1 thereof the following words, "and no such by-law shall in a township or village be quashed or set aside on the ground only that a monopoly has been created by such limitation"; and by adding to subsection 2 thereof the following words, "and during the time such by-law is in force no greater number of licenses shall be issued than as therein limited." Rev. Stat., c. 245, s. 20, amended. By-law fixing number of licenses.

11. Section 36 of *The Liquor License Act* is amended by striking out in the second, third and fourth lines of said section the words, "in quantities of not less than one gallon or two bottles of not less than three half pints each at one time," and inserting instead thereof the words "in whole-sale quantities only as required in the case of a wholesale license under this Act," and by adding at the beginning of said section the following words: "Subject to any regulations or restrictions which the Lieutenant-Governor in Council may impose." Rev. Stat., c. 245, s. 36, amended. Sale of native wine.

12. Subsection 1 of section 25 of the Act passed in the sixth year of the Reign of His late Majesty King Edward the Seventh, chaptered 47, as amended by section 41 of the Act passed in the ninth year of the reign of His late Majesty, 6 Edw. VII., c. 47, s. 25, subs. 1, amended. chaptered

chaptered 82, is further amended by adding after the word "druggist" in clause A of said last mentioned section the words "or by the holder of a tavern or shop license."

6 Edw. VII.,
c. 47, s. 23,
subs. 1,
amended.

Control of
issue of
license by
Minister.

13. Subsection 1 of section 23 of the Act passed in the sixth year of the Reign of His late Majesty King Edward the Seventh, chaptered 47 is amended by striking out in the third, fourth and fifth lines thereof the words "a tavern, shop or wholesale license to any person for premises situate in a Provisional Judicial District," and inserting in the place thereof the words "a tavern or shop license to any person for premises situate in any License District," and by adding at the end of the said subsection the following clauses:—

Discretion
of Minister
as to
refusing
license to
brewer or
distiller's
warehouse.

(a) The Minister may also in any case refuse to issue a wholesale license or a Brewer's or Distiller's Warehouse license if he deems such refusal expedient in the public interest.

Rev. Stat.,
c. 245, s. 101,
subs. 1,
amended.

Proving
second con-
viction.

14. Subsection 1 of section 101 of *The Liquor License Act* is amended by adding after the word "then" in the third line of said subsection the words "if present" and by adding after the word "question" in the eighth line the words "or if he is not present."

Rev. Stat.,
c. 245, s. 124,
subs. 2, 3,
repealed

15. Section 124 of *The Liquor License Act* is amended by striking out subsections 2 and 3 of said section and substituting therefor the following:

Application
of pro-
visions as
to notifying
licensees
not to sell
liquor to
certain
persons.

(2) All the provisions of section 125 of this Act not inconsistent with subsection 1 of this section shall be read as forming part of this section and shall *mutatis mutandis* apply in a case under this section as if the same had been expressly re-enacted as part hereof, and it shall be the duty of the License Inspector of any License District when required so to do to serve within his own district any notice or notices of or concerning any action taken by a Police Magistrate or Justices under this section as if such notice or notices had been given under said section 125.

62 V. (2),
c. 31, s. 4,
subs. 1,
amended.

16. Subsection 1 of section 4 of the Act passed in the sixty-second year of the Reign of Her late Majesty Queen Victoria, chaptered 31, as amended by section 47 of the Act passed in the ninth year of the Reign of His late Majesty King Edward the Seventh, chaptered 82, is further amended by inserting the words "last mentioned" after the word "such" in the fifth line of said section 47.

Rev. Stat.,
c. 245, s. 141,
amended.

17. Section 141 of *The Liquor License Act* is amended by adding thereto the following subsection:

(9) Whenever an appropriation is made by the Legislature for enforcing *The Liquor License Act* in Local Option Districts the Minister in any case in which a by-law passed under subsection 1 of this section is in force in any municipality in any License District in this Province may by his order direct the payment out of such appropriation of any sum which he may think necessary to enforce said Act in such License District or any part thereof, including the payment of the salary and expenses or any part thereof of the License Inspector for such district.

Payment of expenses of enforcing local option by-law.

18. Section 133a of *The Liquor License Act* as enacted by section 32 of an Act passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, is amended by adding at the end of subsection 2 of said section the following words: "or if he finds either upon the public highway or elsewhere, any trunk, box, valise, bag or other receptacle whatever which he believes contains liquor for sale in contravention of this Act he may forthwith seize and remove the same together with the package or packages in which such liquor is contained whether in the custody of or under the control of any person or not."

Rev. Stat., c. 245, s. 133a amended.

Right of search.

19. Subsection 14 of section 11 of *The Liquor License Act* is amended by adding after the word "grounds" in the twenty-first line of said subsection the following words: "Nor shall it apply to an applicant for a six months' license under section 21 of said Act, where the person applying therefor was the holder of a similar license for six months or some part thereof of the preceding year for the same premises."

Rev. Stat., c. 245, s. 11 subs. 14 amended.

Petition not required for summer license.

20. Subsection 1 of section 20 of *The Liquor License Act* is amended by striking out the word "city" in the first line thereof.

Rev. Stat., c. 245, s. 20 subs. 1 amended.

21. *The Liquor License Act* is amended by adding thereto the following section:

Rev. Stat., c. 245 amended.

20a.—(1) If a petition in writing signed by at least ten per cent. of the total number of persons appearing by the last revised voters' list of a city to be qualified to vote at municipal elections is filed with the clerk of the city on or before the 1st day of November in any year, praying for the submission of a by-law to the electors limiting the number of tavern or shop licenses or both tavern and shop licenses to be issued in the city for the next ensuing license year, beginning on the 1st day of May and for subsequent years until

Submission of by-law limiting number of licenses in cities.

until such by-law is repealed, and if the number of such licenses stated in the petition is within the limit fixed by this Act, it shall be the duty of the council to submit such by-law to the vote of the electors of the municipality qualified to vote at municipal elections in the city in the manner provided by *The Consolidated Municipal Act, 1903*, and the amendments thereto.

3 Edw. VII.,
c. 19,

Date of
polling.

- (2) The day fixed by the by-law for taking the vote of the electors thereon shall be the day upon which under *The Consolidated Municipal Act, 1903*, or any by-law passed under the said Act, a poll would be held for the annual election of members of the municipal council.

Duty of
council
if by-law
carried.

- (3) If a majority of the electors voting upon the by-law assent to the same, the council shall within six weeks thereafter finally pass the by-law and this section shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by mandamus or otherwise.

By-law to
remain in
force for
three years.

- (4) After the submission of the by-law, no by-law repealing or amending the same shall be submitted to the electors before the day of polling for the third annual election to be held after that at which the voting on the first mentioned by-law took place, but this shall not affect the submission at any municipal election of a by-law under section 141 of this Act.

Copy of
by-law to
be sent to
Board.

- (5) The clerk of the municipality shall deliver a certified copy of every by-law passed under this section to the Board immediately after the passing thereof.

Residence
qualification
of voter on
local option
by-law.

21. Notwithstanding anything in section 141 of *The Liquor License Act*, or the amendments thereto, no person shall vote upon any by-law submitted to the electors under that section, or the amendments thereto, who is not at the date of taking the vote on such by-law and has not been for three months before that date a *bona fide* resident of the municipality to which the by-law relates.

Form of
oath in
voting on
local option
by-law.

22. Notwithstanding anything in the said section or the amendments thereto, or in *The Consolidated Municipal Act, 1903*, or the amendments thereto, the oath to be taken by any person offering to vote upon any such by-law shall be as follows:—

You

You swear (or solemnly affirm) that you are the person named (or intended to be named) by the name of in the list (or supplementary list) of voters now shown to you (showing the list to the voter);

[And in the case of a married woman or widow claiming to vote,

That you are unmarried (or a widow, as the case may be);]

[And in the case of a freeholder,

That at the date of this election you are in your own right (or your wife is) a freeholder within this municipality.]

[And in the case of a tenant,

That you were (or your wife was) actually, truly and in good faith possessed to your (or her) own use and benefit as tenant of the real estate in respect of which your name is entered on the said list;

That you are (or your wife is) a tenant within this municipality;]

[And in the case of a person claiming to vote in respect of income,

That on the day of 19 (the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or at the option of the voter the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list) you were and thenceforward have been continuously and still are a resident of this municipality.

That at the said date and for twelve months previously you were in receipt of an income from your trade (office, calling or profession, as the case may be) of a sum of not less than \$400;]

[And in the case of a person claiming to vote as a farmer's son,

That on the day of 1911 (the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or at the option of the voter the day certified by the clerk as the last day for making complaints to the county judge with respect to such voters' list),

A. B. (naming him or her) was actually, truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease the term of which was not less than five years), as you verily believe, of the lands in respect of which your name was entered on the said list.

That you are a son (or stepson) of the said A. B.

That you resided on the said property for twelve months next before the said day, not having been absent during that period except temporarily and for not more than six months in all.]

That you are not a citizen or subject of any foreign country.

That you are a natural born (or naturalized) subject of His Majesty and of the full age of twenty-one years.

That you have not voted before upon this by-law, either at this or at any other polling place.

That you are a bona fide resident of this municipality and have continuously resided therein for three months prior to this date,

[And

[*And in the case of a municipality divided into polling sub-divisions ,*

That you reside in this polling sub-division (or that you are not entitled to vote in the polling sub-division in which you reside).]

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender upon this by-law.

That you have not received anything, nor has anything been promised to you directly or indirectly either to induce you to vote upon this by-law, or for loss of time, travelling expenses, hire of team or any other service connected with the submission of the by-law.

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting upon this by-law.

So help you God.

(*In the case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of voters the person offering to vote as a freeholder or tenant may be required to state in the oath the property in respect of which he claims to vote.*)

Voters' list
not to be
final in
certain
cases.

23. Notwithstanding the provisions of section 24 of *The Ontario Voters List Act* the certified list mentioned in that section shall not be final and conclusive as therein mentioned as to persons who were not at the date of taking the vote on such by-law or have not been for three months before that date *bona fide* residents of the municipality to which the by-law relates.

Act incorpor-
ated with
Rev. Stat.,
c. 245.

24. This Act shall be incorporated with and shall be read as part of *The Liquor License Act*.

CHAPTER 65.

An Act to Further Regulate the Sale of Alcohol
by Chemists.*Assented to 24th March, 1911.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the Act passed in the sixty-first year of the reign of Her late Majesty Queen Victoria, chaptered 30, is amended by striking out all the words down to and including the words "intoxicating liquor" in the sixth line of the said section and substituting therefor the following words:

1. The words "pharmaceutical chemist" or the word "chemist" when used in this Act shall mean a duly qualified and registered chemist; the word "alcohol" shall mean "ethylic" or absolute alcohol; the words "wholesale druggist" shall mean a person, firm or company engaged in supplying chemists or druggists with drugs, patent or proprietary medicines, compounds, preparations or other articles and commodities usually kept and dealt in by chemists or druggists.

Interpretation "Pharmaceutical chemist," "Alcohol," "Wholesale druggist."

2. Section 3 of the said Act is amended by striking out the last four words of said section, and by adding at the end thereof the following words:—

61 v., c. 30, s. 3, amended.

Provided, however, that if any such compound, mixture or preparation as aforesaid containing more than two and one-half per cent. of alcohol is not prepared according to the formula of the British Pharmacopœia or other recognized standard work as hereinbefore mentioned the same shall not be sold or offered for sale in this Province unless

Printing of formula where preparation contains more than two and a half per cent. of alcohol.
the

the formula in accordance with which it is prepared is either printed plainly upon a label or wrapper affixed to the bottle or package in which such compound, mixture or preparation is contained or a copy of such formula, verified by affidavit, has been deposited in the office of the Provincial Secretary of Ontario at Toronto, and such affidavit shall be in the form prescribed by the Provincial Secretary aforesaid, and any neglect or omission to comply with the requirements of this proviso shall be an offence against *The Liquor License Act*, and the sale of any such compound, mixture or preparation during the continuance of such neglect or omission shall be conclusively deemed a colourable device for the evasion of *The Liquor License Act* within the meaning of section 7 of the said first mentioned Act and may be dealt with accordingly. And should any such compound, mixture or preparation purporting to be prepared in accordance with any formula appearing upon the label or wrapper affixed to any bottle or package or filed in the office of the Provincial Secretary as aforesaid be found to contain a larger amount of alcohol than is required to hold the medicinal constituents thereof in solution or to prevent fermentation, or should such compound, mixture or preparation purporting to be prepared according to such formula be found at any time to contain a larger percentage of alcohol than is set out in such formula the person selling the same shall be conclusively deemed to be guilty of a colourable device for the evasion of *The Liquor License Act* within the meaning of section 7 of the said first mentioned Act, and may be dealt with accordingly.

Commence-
ment of
section.

- (a) This section shall come into force on the first day of July, 1911.

3. In case a chemist is charged with a violation of any of the provisions of section 2 of this Act, if the person so charged proves that he sold the compound, mixture or preparation in question in the same state as when he purchased it and that he could not with reasonable diligence have obtained knowledge of the fact that the provisions of said section 2 had not been complied with he shall not be found guilty, but the Justice or Police Magistrate hearing the case may order that such compound, mixture or preparation found in the possession

sion of such person be forfeited to the Crown and the Minister may make such disposition of it as he may think fit.

4. The said Act is further amended by adding thereto ^{61 V., c. 30.}
the following section:—_{amended.}

10 (a) Any chemist may keep or have upon his premises, ^{Chemist}
for his own domestic use, a reasonable quantity ^{keeping}
of beer, ale, porter or lager beer, and may keep ^{liquor on}
or have upon his premises or elsewhere for use ^{premises}
in his business "ethylic" or absolute alcohol, ^{for do-}
and may keep or have upon his premises or else- ^{mestic use.}
where for domestic use or for use in his busi-
ness any other kind of liquor to the extent of
ten gallons, but not more; but except as afore-
said no chemist shall, without the license there-
for by law required, keep or have upon his
premises or elsewhere any liquor whatever, and
the keeping or having upon his premises or else-
where by a chemist, without such license, of any
liquor save as aforesaid shall be conclusive evi-
dence that the same was kept by him for sale
in contravention of this Act, and such liquor
may in such case be seized and dealt with in
all respects as liquor unlawfully kept for sale
on unlicensed premises; and in the case of
"ethylic" or absolute alcohol kept by such
chemist upon his premises or elsewhere, should a
Justice of the Peace or Police Magistrate hav-
ing jurisdiction find that the quantity kept was
larger than was reasonably required, having re-
gard to the circumstances of the case, such
chemist may be found guilty of keeping liquor
for sale in contravention of this Act.

(b) Any chemist who keeps for sale or who sells or ^{Penalty for}
barters any liquor without the license therefor ^{sale by}
by law required, unless expressly authorized so ^{chemist}
to do by statute, or unless covered by the saving ^{without}
clauses of this Act, shall for the first offence on ^{license.}
conviction thereof be liable to the penalties set
out in section 72 of *The Liquor License Act* for
selling, and for a second or any subsequent
offence shall on conviction thereof be liable to
the penalty prescribed by said section 72 as for
a second offence for selling, and in addition
thereto his certificate authorizing him to carry
on the business of a "chemist and druggist" in
this Province shall *ipso facto* be void and be of
no force or effect whatever for a period of two

years

years from the date of his conviction, a copy of which shall forthwith be sent to the Registrar of the Ontario College of Pharmacy, nor until the Council of said College shall see fit in its discretion, after the expiration of the said period of two years to reinstate such chemist, who shall not in the meantime be eligible as a member, director or shareholder of any incorporated company dealing in drugs or medicine in this Province.

Sworn
statement
as to
amount of
liquor sold.

- (c) Every chemist shall within seven days of demand by the Minister supply the Minister with a written statement on oath of the amount and kind of liquor purchased by him during the period specified in such demand, the dates when and the persons from whom such liquor was purchased. Such oath may be taken before a commissioner for taking affidavits, a notary public or a justice of the peace. Any default in supplying such statement shall be punishable by a penalty of twenty dollars for each day during which such default continues.

Penalty.

Sales by
wholesale
druggists.

- (d) A wholesale druggist may, notwithstanding anything contained in *The Liquor License Act*, sell to a duly qualified and registered chemist or chemist and druggist "ethylic" or absolute alcohol for use in his business as such chemist and druggist, but this provision shall only apply to wholesale druggists who have filed with the License Branch at Toronto a certificate (which shall be annually renewed not later than the first day of May in each year) signed by the Registrar of the Ontario College of Pharmacy that the holder of such certificate is a wholesale druggist within the meaning of this Act.

CHAPTER 66.

An Act respecting Offensive Weapons.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Offensive Weapons Act*.

2. Every person who exposes for sale, offers for sale, ^{Sale of certain weapons to unauthorized persons prohibited.} or sells any bowie-knife, dirk, dagger, stiletto, metal knuckles, skull cracker or slung shot, or who sells a revolver, pistol or air gun to any person other than one holding a certificate issued under section 118 of the Criminal Code, or one, being over 18 years of age, who produces to and leaves with the vendor a permit in writing, signed by the Superintendent of Provincial Police, or a Chief Constable of a city or town, allowing him to purchase a revolver, pistol or air gun, shall be guilty of an offence and liable on ^{R.S.C. c. 146.} summary conviction to a penalty not exceeding \$200 or less than \$25, or to imprisonment for a term not exceeding six months with or without hard labour or to both, and the bowie-knife, dirk, dagger, stiletto, metal knuckles, skull cracker or slung shot, revolver, pistol or air gun so exposed or offered for sale, or sold by such person, shall be confiscated by the Police Magistrate or Justice and transferred to the Superintendent of Provincial Police, or destroyed as such Magistrate or Justice may see fit. ^{Penalty.}

3.—(1) Every person who sells a revolver, pistol or air gun under the provisions of section 1 hereof, without keeping a record of the date of the sale, name of maker, serial number of such revolver, pistol or air gun, and the name, address and occupation of the purchaser or who sells or exposes or offers for sale any revolver or pistol which does not bear a serial number and the makers' name, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$200 or less than \$25, or to imprisonment for a term not exceeding six months with or without ^{Record of sales.}

hard

hard labour or to both, and the revolver, pistol or air gun so exposed or offered for sale, or sold by such person, shall be confiscated by the Police Magistrate or Justice and transferred to the Superintendent of Provincial Police, or destroyed as such Magistrate or Justice may see fit.

(2) The record referred to in subsection 1 may be inspected at any time by any peace officer and a copy thereof shall be transmitted by the person making the sale to the Superintendent of Provincial Police within seven days after the 31st March, 30th June, 30th September, and 31st December in each year. A violation of this subsection shall render the offender liable, on summary conviction, to a penalty not exceeding \$50.

Search of
person by
Peace
Officer.

4. Every Peace Officer may search any person who he has reason to believe and does believe is violating any of the provisions of sections 115, 116, 117, 118, 120, 121, 123, 124 and 127 of the Criminal Code, and may seize any of the weapons which such person is illegally carrying and any weapon seized under this section shall be confiscated and handed over to the Superintendent of Provincial Police or to the Chief or High Constable of the municipality to be by him transferred to the Superintendent of Provincial Police or destroyed as he may see fit.

Finding
weapons
on for-
eigners.

5. If any of the weapons mentioned in the first section hereof is found upon a person believed not to be a native of Canada by the Constable making the search or by the Justice of the Peace or Magistrate before whom such person is charged with an offence, he shall report such facts to the Provincial Secretary and the Provincial Secretary may communicate with the Minister of the Interior with the view towards deporting such person under the Immigration Act.

Regulation
may be
made by
Lieutenant-
Governor
in Council.

6. The Lieutenant-Governor in Council may make such regulations as shall be deemed necessary or convenient for carrying into effect the provisions of this Act.

Commence-
ment of
Act.

7.—(1) This Act shall come into force on a day to be fixed by Proclamation of the Lieutenant-Governor in Council.

(2) Any such proclamation may apply to the whole or any section or sections of this Act; and proclamations may be issued as to any section or sections at different periods.

CHAPTER 67.

An Act to amend The Public Health Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Public Health Act* is amended by adding thereto the following subsection: Rev. Stat.
c. 248, s. 5,
amended.

(2) The Chief Health Officer shall be the Executive Officer of the Board and in the intervals between meetings of the Board shall perform such duties and have such powers as are by this Act vested in the Provincial Board of Health. Duties of
Chief
Health
Officer.

2. Section 13 of the said Act is amended by adding thereto the following paragraphs: Rev. Stat.
c. 248, s. 13,
amended.

13. For the sanitary precautions to be taken in Health Resorts, Summer Resorts and upon boats or other vessels plying upon the inland waters of Ontario, and for preventing the pollution of such waters by the deposit therein of sewage, excreta, manure, vegetable or animal matter or filth. Preventing
pollution
of certain
resorts
and inland
waters.

14. For any other matter which in the opinion of the Board the general health of the public or of the inhabitants of any locality may require.

3. Section 30 of the said Act is amended by adding after subsection . 2 the following: Rev. Stat.
c. 248, s. 30,
amended.

(2a) No By-law shall be passed for the raising of money for the purpose mentioned in subsections 1 and 2, until the proposed water supply or sewerage system as the case may be has been approved of by the Provincial Board of Health, and such approval has been certified in writing and signed by the Chairman and Secretary of the Board. The preamble of the By-law shall cite such approval. Sewerage
or water
supply sys-
tem—ap-
proval of
Provincial
Board be-
fore money
raised.

Rev. Stat.,
c. 248, s. 31,
amended.

4. Section 31 of the said Act is amended by striking out the word "may" where it occurs in the first and third lines and inserting in lieu thereof the word "shall."

Rev. Stat.,
c. 248, s. 71,
amended.

5. Section 71 of the said Act is amended by striking out all the words therein after the word "caused" in the fourth line and substituting therefor the words:

Abatement
of nuis-
ances by
Local
Board at
expense
of occu-
pant or
owner.

"And where the occupant or owner of any premises in which a nuisance exists fails to abate the same after having received due notice to that effect, the Local Board of Health by its Medical Health Officer or Sanitary Inspector may enter upon the said premises and take such steps as may be necessary to abate the nuisance and if the costs incurred in abating the same are not paid either by the occupant or owner within one month, the same shall be returned to the clerk of the municipality who shall place the same against the property in the collector's roll to be collected along with ordinary taxes."

Rev. Stat.,
c. 248, s. 89,
amended.

6. Section 89 of the said Act is amended by adding after the word "cholera" in the third line "whooping cough, measles or other disease dangerous to the public health."

Rev. Stat.,
c. 248, s. 90,
amended.

7. Section 90 of the said Act is amended by inserting after the word "shall" in the sixth line the words:

"Have power to direct the closing of all or any of the Public Schools, Collegiate Institutes and Separate Schools and churches, and the prohibition of public assemblies when the Medical Health Officer or Board of Health consider it necessary for the prevention of the spreading of any of the said infectious diseases, and the said Schools, Institutes and Separate Schools and churches shall not be reopened except by order of the said Medical Health Officer or Board of Health."

CHAPTER 68.

An Act to amend The Public Health Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 72a of *The Public Health Act*, as enacted by Rev. Stat., section 1 of chapter 32 of the Acts passed in the 5th year of ^{c. 248,} His late Majesty's reign, is repealed, and the following sub-amended. ^{s. 72a,}stituted therefor:—

72a. No person shall keep or store any rags, bones or ^{storing of} other refuse within the municipality, unless the ^{rags,} same are kept or stored on premises approved ^{bones, etc.} of by the Medical Health Officer.

CHAPTER 69.

An Act respecting the Production and Sale of
Milk for Human Consumption.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title.

1. This Act may be cited as *The Ontario Milk Act*.

Interpreta-
tion "Muni-
cipality."

2. In this Act "Municipality" shall not include a
County.

By-laws
regulating
milk pro-
duced for
sale.

3. The Council of every municipality is hereby authorized
to pass by-laws for regulating milk produced for sale, offered
for sale or sold within such municipality as to

(a) The care of cows producing milk for sale for
domestic consumption;

(b) The cleanliness, ventilation and sanitary conditions
of the places in which cows are kept or milked
or in which milk is stored;

(c) The water supplied to cows;

(d) The care and cleansing, construction and type of all
utensils used in handling milk, whether by pro-
ducers, carriers or vendors;

(e) The care, storage, transportation and distribution
of milk by producers, carriers or vendors;

(f) The making of bacteriological tests for the purpose
of ascertaining the wholesomeness of milk offered
for sale by any producer, carrier or vendor; and

(g)

- (g) Such other matters regarding the production, care, transportation or sale of milk as the Council may consider necessary;

and upon such regulations being approved in writing by the Minister of Agriculture, the same shall apply to all milk produced for sale, offered for sale or sold within such municipality.

4—(1) The Council of every municipality is hereby authorized to enact by-laws regulating the granting of licenses to vendors of milk for human consumption in that municipality, and shall have power to refuse or cancel such licenses.

(2) No person shall sell milk in any municipality where such by-laws are in force without first obtaining a license therefor.

5—(1) The Council of every municipality is hereby authorized to enact by-laws fixing the standard for butter fat and total solids of milk sold in such municipality, but no milk shall be sold for human consumption which contains less than twelve per cent. of solids, of which three per cent. shall be butter fat.

(2) No person shall place any preservative in milk intended for human consumption, or sell or offer for sale to any vendor milk from which any part of the butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without previously giving notice in writing of such change to such vendor; and no vendor of milk shall sell or offer for sale milk not complying with the standard, or from which butter fat has been removed, or to which water has been added, or which has received special treatment causing it to differ from normal milk, without clearly and distinctly advertising the same in the manner demanded by the regulations of the municipality in which it is sold.

6—(1) The Council of every municipality is authorized to appoint an inspector or inspectors for the enforcement of this Act and any regulations enacted hereunder, and each such inspector shall have power to prohibit the sale of milk for consumption within the municipality for which he is inspector, which in his judgment is produced or handled contrary to the provisions of this Act or any regulations made hereunder.

Powers of
inspectors.

(2) Every such inspector shall have the right to inspect the premises of every vendor licensed to sell milk within the municipality for which he is inspector, to see that the requirements of this Act and the regulations enacted hereunder are fully complied with, and to take samples of milk for examination and testing.

Right to
enter, take
samples, etc.

(3) Every such inspector shall have the right of entrance to the premises no matter where located, of every person producing milk for sale or consumption within the municipality for which he is inspector, of fully inspecting the same, and of taking for examination and having tested samples of milk produced therein and of the water supplied to cows or used in cleansing dairy utensils.

Inspecting
and taking
samples in
transit.

(4) Every such inspector shall have the right to inspect and to take samples of milk for sale or consumption within the municipality for which he is inspector while in transit, and shall have the right of entrance to any premises in order to procure samples of such milk.

Publication
of tests.

(5) The result of all said tests shall be open to public inspection at all reasonable times and may be published by the Medical Health Officer of the municipality if he so desires.

Milk from
diseased
cows.

7. No milk shall be sold from any cow which, upon physical examination by a duly qualified veterinary surgeon, shall be declared to be suffering from tuberculosis of the udder or milk glands, or whose milk, upon bacteriological or microscopical analysis, is shown to contain tubercle bacilli, or which is known to be suffering from splenic fever or anthrax, or any other general or local disease which is liable to render milk from such cow a menace to the public health. Where any doubt arises as to any cow being affected with any of the diseases above mentioned, it shall be the duty of the inspector to notify the owner that the milk of such cow must not be sold or offered for sale until a permit so to do has been granted by the Board of Health of the municipality in which such milk is being consumed; and upon such notice being given, no milk from such cow shall be sold until said permit has been granted.

Persons
suffering
from dis-
eases not to
be employed

8. No person suffering from or who has knowingly within a time prescribed by the regulations of the Provincial Board of Health been exposed to diphtheria, scarlet fever, typhoid fever, erysipelas, smallpox, anthrax or venereal disease or any infectious skin disease shall work or assist in the production, transportation or vending

of

of milk, and no proprietor, manager or superintendent of any dairy or dairy farm shall knowingly permit any person suffering or exposed as aforesaid, to work or assist in the production, transportation or vending of milk, and the sale of milk produced or handled under such circumstances may be forthwith prohibited by the inspector.

9. No cans, bottles or other utensils used in the distribution of milk shall be used for any other purpose whatsoever, and all such cans, bottles and other utensils must be thoroughly cleansed before again being used.

Cans, bottles, etc., not to be used for any other purpose, and to be cleansed.

10. The Council of every municipality is authorized to establish and maintain or assist by annual grant or otherwise in the establishment and maintenance of Milk Depots in order to furnish a special supply of milk to infants.

Municipal milk depots.

11. It shall be unlawful to apply the term "certified" to any milk which does not comply with the following standard:

Use of word "certified"

- (a) It shall be taken from cows semi-annually subjected to the tuberculin test and found without reaction;
- (b) It shall contain not more than 10,000 bacteria per cubic centimetre from June to September, both inclusive, and not more than 5,000 bacteria per cubic centimetre from October to May, both inclusive;
- (c) It shall be free from blood, pus, or disease-producing organisms;
- (d) It shall be free from disagreeable odour or taste;
- (e) It shall have undergone no pasteurization or sterilization, and be free from chemical preservatives;
- (f) It shall be cooled to 45 degrees Fahrenheit or under within half an hour after milking, and kept at that temperature until delivered to the consumer;
- (g) It shall contain twelve to thirteen per cent. of milk solids, of which at least three and one-half per cent. is butter fat;
- (h) It shall be from a farm the herd of which is inspected monthly by the veterinarian, and the employees of which are examined monthly by a physician;

Conditions.

Provided

Proviso. Provided that no milk shall be sold as "certified" until a certificate setting forth that the above conditions have been complied with is obtained from time to time from the Medical Health Officer of the municipality in which it is to be consumed or from an incorporated society of medical practitioners.

Use of word "pasteurized." **12.** It shall not be lawful to apply the word "pasteurized" to any milk unless all portions have been subjected for at least twenty and not more than thirty minutes to a temperature of not less than 140 and not more than 150 degrees Fahrenheit and then at once cooled to 45 degrees Fahrenheit or under and kept at that temperature until delivered to the consumer, and the process of pasteurization shall be subject to inspection by the local Medical Health Officer or such inspector as he may designate; provided always that all such milk shall in all other respects be subject to all the terms and conditions of this Act. This section shall not come into force until July 1, 1911.

Proviso.

Penalty. **13—(1)** Any person violating any of the provisions of this Act or of any By-law or regulation passed hereunder shall incur a penalty of not less than \$1 nor more than \$50.

Application of 10 Edw. VII., c. 37. (2) *The Ontario Summary Convictions Act* shall apply to every prosecution under this Act.

3 Edw. VII. c. 19, s. 550, pars. 1, 2, 2a amended. **14—(1)** Paragraphs 1, 2 and 2a of Section 550 of *The Consolidated Municipal Act, 1903*, as amended by Section 23 of *The Municipal Amendment Act, 1905*, are amended by striking out the word "milk" where it occurs in the said paragraphs.

3 Edw. VII. c. 19, s. 583, pars. 23, 24 repealed. (2) Paragraph 23, as enacted by section 22 of *The Municipal Amendment Act, 1910*, and Paragraph 24 of Section 583 of *The Consolidated Municipal Act, 1903*, are repealed.

Rev. Stat. c. 248, ss. 108, 109 amended. (3) Sections 108 and 109 of *The Public Health Act* are amended by striking out the words "or milk" where they occur in the said sections and inserting the word "or" before the word immediately preceding the words so struck out.

Rev. Stat. c. 248, schedule B amended. (4) The clause numbered 10 of the form of by-law in Schedule B of *The Public Health Act* is repealed and the said clause shall not apply to any municipality.

Rev. Stat. 250, s. 4 repealed. (5) Section 4 of *The Act respecting the Slaughtering of Cattle and the Inspection of Meat and Milk Supplies of Cities and Towns* is repealed.

15. Notwithstanding anything contained in *The Milk, Cheese and Butter Act*, being chapter 53 of the Acts passed in the 8th year of the reign of His late Majesty King Edward the VII., nothing in the said Act shall apply to milk produced, offered for sale, or sold, for human consumption; and the provisions of the said Act, so far as they relate to such milk, but to that extent only, are repealed and the said Act shall apply exclusively to milk and cream to be used in the manufacture of cheese and butter.

⁸ Edw. VII.,
c. 3, not to
apply to
milk for
human con-
sumption.

16. Except as hereinbefore provided this Act shall come into force on the first day of June, 1911.

Commence-
ment of Act.

CHAPTER 70.

An Act to amend The Ontario Factories Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain
laundries
to be
deemed
factories.

1. Every shop, building or room in which one or more persons are employed in doing public laundry work by way of trade or for the purpose of gain shall be deemed a factory within the meaning of *The Ontario Factories Act*, and shall be subject to the visitation and inspection of the Factory Inspectors in the same manner as any other factory, and the penalties provided for by that Act shall apply to contraventions of the provisions of this Act.

Laundry
work not to
be done in
sleeping or
living room.

2. No such public laundry work shall be done in a room used for a sleeping or living room.

Act not to
apply to
certain
laundresses.

3. This Act shall not apply to a female engaged in doing custom laundry work at her home for a regular family trade.

Rev. Stat.,
c. 256, s.
19a, not to
apply to
certain
laundries.

4. The provisions of section 19a of *The Ontario Factories Act* as enacted by the Act passed in the third year of His late Majesty's reign, chaptered 7, intituled An Act to amend the Statute Law, shall not apply to a laundry in which not more than five persons are employed.

CHAPTER 71.

An Act for the Protection of Persons Employed
in the Construction of Buildings.*Assented to 24th March, 1911.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as "*The Buildings Trades Pro- Short title.
tection Act.*"

2. In this Act

Interpre-
tation.

(a) "Building" shall include **any** structure roofed in "Building."
or intended to be roofed in and capable when
completed of affording protection and shelter.

(b) "Inspector" shall mean an inspector appointed by "Inspector."
a municipal council or by the Lieutenant-Gov-
ernor in Council for the purpose of enforcing the
provisions of this Act.

3. The council of every city, town, township and village Appoint-
shall, by by-law, appoint a sufficient number of competent ment of
persons to be inspectors for the purpose of enforcing the municipal
provisions of this Act in the municipality. inspectors.

4. The Lieutenant-Governor in Council may appoint Appoint-
inspectors to enforce this Act in territory without municipal ments in
organization. unorgan-
ized ter-
ritory.

5.—(1) Where any inspector appointed under this Act Orders of
finds that any provision of this Act is being violated in the inspector
case of any building, he may give such orders in writing as to be car-
ried out.
may, in his opinion, be required to secure due compliance
with such provision, and upon any such order being made
and until the same is carried out the work upon that part of
the building in which the default occurs shall be suspended.

Penalty
for disobe-
dience.

(2) Every person to whom the order of the inspector is directed who disobeys or who knowingly permits any person under his direction and control to disobey any such order or to carry on work in violation of subsection 1 before the order is carried out shall incur a penalty not exceeding \$50 for every day upon which such default occurs.

Protection
of persons
employed
on build-
ings.

6. In the erection, alteration, repair, improvement or demolition of any building, no scaffolding, hoists, stays, ladders, flooring or other mechanical and temporary contrivances shall be used which are unsafe, unsuitable or improper, or which are not so constructed, protected, placed and operated as to afford reasonable safety from accident to persons employed or engaged upon the building.

Regula-
tions.

7. The following regulations shall be complied with in the erection, alteration, repair, improvement or demolition of every building:

Scaffolding.

1. The floors of all scaffolding whether standing or suspended from overhead shall be at least four feet wide and there shall be a railing or guard not less than three feet nor more than four feet from the flooring on the outside of the scaffolding for the protection of persons working thereon.

Suspended
scaffolding.

2. Where the scaffolding or staging is swung or suspended from an overhead support, it shall be so secured as to prevent its swaying to and fro.

Securing
scaffolding.

3. Where poles are used in scaffolding the poles shall be securely lashed at every point of contact and where square timber is used in scaffolding the same shall be securely spiked or bolted at every point of contact.

Hoisting
lumber or
timber.

4. No lumber or timber shall be hoisted in a single sling.

Protection
of shafts
for hoists.

5. Where hoists are used for raising materials for use in buildings, the shafts or openings shall be protected at each floor by a barrier not less than three feet nor more than four feet from the level of the floor, and the barrier shall be placed not less than two feet from the edge of the shaft or opening in which the hoist is operated.

Require-
ments as to
completion
of arched
floors, etc.

8.—(1) Where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fire-proof material, the flooring or filling in shall be completed as the building progresses to not less than within three tiers of beams below that on which the iron work is being erected.

(2) Where the plans and specifications do not require filling in between the beams of floors with fire-proof material or brick work, the contractor for the carpenter work, in the course of construction, shall lay the under flooring of the building on each storey as the building progresses to not less than within two storeys below the one to which the building has been erected.

Completion of floor where fire-proof filling not required.

(3) Where double floors are not to be used, such contractor shall keep planked over the floor two storeys below the storey where the work is being performed.

Requirements where double floors not used.

(4) If the floor beams are of iron or steel, the contractor for the iron or steel work of a building in course of construction or the owner of such a building shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising or lowering of materials to be used in the construction of such building, and such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

Requirements where floor beams of iron or steel.

9. In the case of what are known as skeleton steel frame buildings, compliance with the following regulations shall be sufficient and it shall not be necessary to comply with the requirements of section 8:

Skeleton steel frame buildings.

1. As soon as the steel frame of a building is erected to the first column splice above the first floor level, a flooring of two inch planking shall be laid over floor beams on the floor immediately below the first column splice, making a temporary floor over that part of the area of the building inside columns at that level, except in places where it is necessary to have openings for the passage of material for building above that point. When erection has reached a point level with the next column splice, the planking used as temporary floor at first column splice shall be removed and placed as before at second splice, and so on to the top of the building.

Temporary flooring.

2. A double flooring of two inch planking shall be laid down immediately under any derrick for a sufficient space about the derrick to protect workmen on the floors below that on which the derrick is working and to hold with safety the materials hoisted by the derrick.

Double flooring where derrick in use.

3. Rivetters' staging shall be so constructed as to secure the reasonable safety of the rivetters and a temporary floor must be provided on the girders and floor beams immediately below the portion of the floor upon which the rivetters are working

Rivetters' staging.

working, sufficient for the protection of workmen engaged below that floor.

Steel work in advance of permanent flooring.

4. The steel work may be carried on in advance of the construction of permanent floors.

Hoardings in cities and towns.

10. In cities and towns the following regulations shall be complied with in erecting, altering, or repairing any building:

Erection on sidewalk in front of buildings in course of erection.

1. When the work is located on the line of any street or within three feet of the inside line of the sidewalk of any street, before any of the work above the sidewalk or footway is commenced, there shall be erected over the sidewalk or footway of the street a covered passageway or independent structure not less than eight feet high at the lowest side above the level of the sidewalk or footway and of sufficient strength to protect the public using the sidewalk or footway.

2. If a building is to be erected within seven feet of the inside line of the sidewalk on any street, a strongly constructed close-boarded fence or barricade, not less than six feet high, shall be erected along the inside line of such sidewalk.

Placing building materials on sidewalks or roadways.

3. No person shall place any stone, brick, lumber, or any building material, fence, barricade or temporary sidewalk so as to obstruct the free passage of water in the drains, gutters or water courses; and the roofs of all covered ways shall be kept clear of any material whatever.

By-law of Municipality when not to be affected.

11. Nothing in this Act shall affect any by-law relating to the matters mentioned herein lawfully passed by a municipal council, or the authority of a municipal council to pass any such a by-law, so far as such by-law imposes additional or more stringent requirements than those imposed by this Act.

Application of 10 Edw. VII., c. 37.

12. *The Ontario Summary Convictions Act* shall apply to every prosecution under this Act.

Restriction on application of Act.

13. Sections 7, 8 and 9 of this Act shall not apply to any building not more than two stories in height nor to any farm building nor to any work being done upon a building by the owner or occupant thereof in person. (*See* 1 Geo. V. c. 17, s. 72.)

CHAPTER 72.

An Act to Regulate the Means of Egress from
Public Buildings.*Assented to 24th March, 1911.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. In all churches, schools, houses, halls or other buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement, all the outer doors and those leading from the assembly hall or room or school rooms shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people, in case of alarm from fire or other cause.

Doors of churches, etc., to open outwards.

2. Congregations and societies possessing corporate powers and all trustees, incumbents, churchwardens and other persons holding churches, schools or buildings used for churches or schools shall be severally liable as trustees for such societies, congregations or schools to the provisions of this Act.

who liable for neglecting provisions of Act.

3. Any persons owning, possessing or managing public halls, schools, houses, churches or other buildings used for public meetings, who violate the provisions of this Act, or any of them, or the regulations passed hereunder or any of them, shall be liable to a fine not exceeding \$50, recoverable on information before any two of His Majesty's Justices of the Peace, or before the Mayor or Police Magistrate of any City or Town, one moiety of which fine shall be paid to the party laying the information and the other moiety to the municipality within which the case arises, and persons so complained against shall be liable to a further fine of \$5 for every week succeeding that in which the complaint is laid, if the necessary changes are not made.

Penalty.

Regula-
tions.

4. The Lieutenant-Governor in Council may make regulations regarding the enforcement of this Act and governing the safety and convenience of persons assembled therein in regard to all the buildings mentioned in section 1 of this Act, and shall have every such power for this purpose as shall be necessary to carry into effect the terms of this Act.

9 Edw. VII.
c. 87; 10
Edw. VII.
c. 26, s. 3,
repealed.

5. The Act passed in the 9th year of His late Majesty King Edward VII., chaptered 87, and section 3 of *The Statute Law Amendment Act, 1910*, are repealed.

Commence-
ment of
Act.

6. This Act shall come into force and take effect on from and after the first day of June, A.D. 1911.

CHAPTER 73.

An Act to regulate Halls, Theatres and
Cinematographs*Assented to 24th March, 1911.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Theatres and Cinematographs Act*. Short title.

2. The Lieutenant-Governor in Council shall have power from time to time to make regulations similar or different in different localities, or with reference to different classes of buildings, or having application to different classes of performances or to different conditions governing the erection, operation and safety of theatres, including inspection and supervision, and shall have every power for such purpose which shall be necessary to carry into effect the terms of this section. Regulations by Lieutenant-Governor-in-Council as to theatres.

3. The Lieutenant-Governor in Council shall have power from time to time to impose a license fee upon, and to make regulations for, licensing, using and operating of cinematographs, moving picture machines or other similar apparatus, for prescribing the conditions under which such machines shall be operated, for licensing and operating of film exchanges, for prohibiting or regulating films to be exchanged or exhibited, for examining, regulating and licensing operators and for prescribing the terms and conditions under which such machines shall be operated or such films sold, leased or exchanged, and shall have every power for such purpose which shall be necessary to carry into effect the terms of this section. Licensing and regulating cinematographs, etc.

4.—(1) The Lieutenant-Governor in Council may appoint a Board of Censors, to hold office during pleasure, composed of three persons who shall have power to permit the exhibition or absolutely to prohibit or reject all films which Board of Censors.

it is proposed to use in the Province of Ontario and to suspend for cause the license of any operator.

Appeal from Board.

(2) There shall be an appeal from the Board of Censors to the person, body or Court designated and subject to the conditions prescribed by regulation of the Lieutenant-Governor in Council.

Films to be stamped by Board of Censors.

5. No cinematograph, moving picture machine, or other similar apparatus shall exhibit any films which have not been stamped by the Board of Censors, and no such cinematograph, moving picture machine or other similar apparatus shall be kept or exhibited for entertainment until the owner, user or exhibitor of such apparatus has complied with the regulations made by the Lieutenant-Governor in Council and obtained a license from the Provincial Treasurer.

Stamps to show on Canvas.

6. All films passed or permitted to be exhibited by the said Board of Censors shall be stamped in such manner that the stamp will show upon the canvas, and no exhibition of such stamped film shall be prohibited by any police officer, or constable, or other person, on account of anything contained in such film.

Payment of license fee.

7.—(1) The user or exhibitor of every cinematograph, moving picture machine, or other similar apparatus, the owner, lessee or manager of every film exchange and the person operating such cinematograph, moving picture machine or other similar apparatus shall each pay in advance to the Provincial Treasurer an annual license fee.

(2) The amount of such license fee, which amount may be different, in the case of the user or exhibitor, in the case of the owner, lessee or manager, and in the case of the person operating, shall be fixed in each class of case, and from time to time by regulation of the Lieutenant-Governor in Council.

Exhibiting in violation of regulations.

8. Any person in charge of such cinematograph, moving picture machine, or other similar apparatus, or the owner, proprietor, manager, or person having control thereof, who uses any such machine for public entertainment without having complied with, or who violates the regulations passed by the Lieutenant-Governor in Council, and without having therefor a license from the Provincial Treasurer, or who exhibits films not bearing the stamp of the Board of Censors, as required by this Act, shall be guilty of an offence against this Act.

9. No municipal corporation shall issue a license for any cinematograph, moving picture machine, or other similar apparatus, to which this Act applies, until the applicant produces a license from the Provincial Treasurer authorizing the exhibition in the municipality, and any member or officer of a municipal corporation who is a party to the issue of any license in violation of the provisions of this Act shall be liable on summary conviction to a fine of \$20, besides costs, and, in default of payment, to imprisonment for a term not exceeding 30 days.

Municipal licenses not to be issued, until provincial license granted.

10. Children under the age of 15 years, unaccompanied by adults, shall not be permitted to attend any exhibition by cinematograph, moving picture machine, or other similar apparatus at which exhibition an admission fee is charged.

Children under 15 years of age.

11. Any person offending against any of the provisions of this Act, save sections 9 and 12, and any person offending against any of the regulations of the Lieutenant-Governor in Council passed hereunder, shall, on summary conviction, be liable to a fine of not less than \$50 or more than \$200 with costs, and a further fine of \$25 per diem during the time after conviction which such offence continues, and in default of immediate payment the offender shall be imprisoned in the common gaol of the county where such conviction takes place for a period not exceeding three months.

Penalty.

12. If any breach of this Act or of any of the regulations passed hereunder causes directly or indirectly bodily injury or loss of life, the owner, lessee, manager, operator, or other person through or by whom such breach occurred, shall, in addition to any other penalty prescribed by law, on summary conviction, be liable to imprisonment for a term not exceeding one year.

Liability for bodily injury or loss of life.

13. The Ontario Provincial police are hereby empowered and directed at any time to inspect any cinematograph, moving picture machine, or other similar apparatus which is used or kept on premises licensed under this Act, to enforce the provisions of this Act and the regulations passed hereunder.

Inspection of Ontario Provincial Police

14. In cities, towns and incorporated villages, it shall also be the duty of the Chief Constable, or Chief of Police, to enforce the provisions of this Act and the regulations passed hereunder.

Duty of Chief Constable.

15. All penalties recovered under this Act shall be paid to the Treasurer of the Province of Ontario for the use of said Province.

Application of penalties.

Regula-
tions.

16. The Lieutenant-Governor in Council shall have power to make such regulations as may be deemed necessary, advisable or convenient for the purpose of carrying into effect the provisions of this Act.

Commence-
ment of
Act.

17. This Act shall come into force and take effect on from and after the first day of June, 1911.

CHAPTER 74.

An Act respecting Reforestation by Counties.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Counties Reforestation Act*." Short title.

2. The municipal council of a county may pass by-laws:— County by-laws acquiring lands for reforestation purposes.

(a) For acquiring by purchase, lease or otherwise such lands designated in the By-law as the council may deem suitable for reforestation purposes;

(b) For planting land so acquired and for preserving and protecting the timber thereon;

(c) For the management of such lands and the sale or other disposal of the timber grown thereon;

(d) For the issuing of debentures from time to time for the purpose of providing for the purchase of such lands to an amount not exceeding \$25,000 to be owing at any one time.

3. No by-law shall be finally passed under this Act until the same shall have been approved in writing by the Minister of Agriculture. Approval of by-law by Minister of Agriculture.

4.—(a) Municipal Councils of townships in districts without county organization shall have all the powers, privileges and authority conferred by paragraphs (a), (b) and (c) of section 2 hereof on councils of counties.

(b) The councils of such townships shall have power and authority to levy by special rate a sum not exceeding \$200.00 in any year for the purpose of providing for the purchase of such lands.

CHAPTER 75.

An Act respecting the Destruction by Constables and others of Injured Animals.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Injured Animals Act*.

2. Where a police constable, or the inspector of an incorporated humane society or society for the prevention of cruelty to animals, finds any horse so severely injured that it would, in his opinion, be cruel to allow the horse to live, he shall, if the owner refuses to consent to the destruction of the animal, or is absent, at once summon a veterinary surgeon, if any such surgeon resides or can be found within a reasonable distance, or, if no such surgeon can be obtained, then two reputable citizens, and if it appears by the certificate of such surgeon or by a statement signed by such two citizens that the animal is, or appears to be, incapable of being so cured or healed as to live thereafter without suffering, it shall be lawful for such police constable or inspector, without the consent of the owner, to kill or cause to be killed the said animal with such instrument or instruments or appliances, and with such precautions and in such a manner as to inflict as little pain and suffering as possible.

3. If any horse is abandoned, or left to die in any street, road, commons or public place, it shall be the duty of any police constable or inspector, as mentioned in section 2, to make a reasonable attempt to ascertain the owner of such animal, and, if such owner cannot be found, or, if found, refuses to give his consent to the killing of such horse, then the said constable or inspector shall proceed in the manner set forth in section 2.

4. Where any large animal, such as a horse, cow, ^{Animals run} sheep or hog, is severely injured by any railway engine ^{over by rail-} or train, the conductor of the train shall report the occurrence to the nearest station agent of the railway, who shall forthwith notify the owner if possible and the nearest constable, who shall proceed as provided by section 2.

CHAPTER. 76.

An Act to amend The Ontario Game and Fisheries Act.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII.,
c. 49, s. 12,
amended.

1. Section 12 of *The Ontario Game and Fisheries Act* is amended by adding thereto the following subsection:—

Superin-
tendent
may order
the taking
or killing
of beaver
in certain
cases.

(5) The Superintendent may at any time make an order in writing directing the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in the Province in which in the opinion of the Superintendent beaver are causing damage to highways or to private property, but all beaver so taken or killed shall be duly accounted for to the Superintendent.

7 Edw. VII.,
c. 49, s. 56,
amended.

2. Section 56 of the said Act is amended by striking out all the words therein down to and including the word "number" in the second line and inserting in lieu thereof the words "There shall also be appointed Wardens of Game and Fisheries, not exceeding ten in number."

Appoint-
ment of
wardens
of game
and fisheries

Open
season for
shore
birds.

3.—(1) The open season for snipe, rail, plover, and other birds known as shore birds or waders, shall hereafter commence on the 15th day of September instead of the 1st day of September.

7 Edw. VII.,
c. 49, s. 11,
subs. 1,
cl. (h),
amended.

(2) The clause lettered (h) in subsection 1 of section 11 of the said Act is amended by striking out the words "1st day of September" in the 2nd and 3rd lines and inserting the words "15th day of September" in lieu thereof.

7 Edw. VII.,
c. 49, s. 11,
subs. 1,
amended.

4. Subsection 1 of said section 11 is amended by striking out the word "woodcock" in the clause lettered (d) in the said subsection and by inserting after the said clause the following:—

(dd)

(dd) Any woodcock, except from the 1st day of October ^{Woodcock.} to the 15th day of November, both days inclusive.

5.—(1) Subsection 2 of section 12 of the said Act is ^{7 Edw. VII.,} amended by striking out the words “mink or” added by ^{c. 49, s. 12,} subsection 2 of the Act passed in the 10th year of the reign of ^{subs. 2,} His late Majesty King Edward VII., chaptered 101. ^{amended.} ^{Mink.}

(2) The said section 12 is amended by adding thereto the ^{7 Edw. VII.,} following subsection:— ^{c. 49, s. 12,} ^{amended.}

(4a) No mink shall be hunted, taken or killed or had in ^{Mink, close} possession of any person between the 1st day of May and the ^{season for.} first day of November following.

6. Clause (d) added to subsection 1 of section 48 of ^{7 Edw. VII.,} *The Ontario Game and Fisheries Act*, by section 6 of the ^{c. 49, s. 48,} Act passed in the 10th year of the reign of His late Majesty ^{subs. 1,} King Edward VII., and chaptered 101, is amended by strik- ^{clause d,} ing out the figures “\$10” in the last line and inserting the ^{amended.} figures “\$20” in lieu thereof. ^{Fee for} ^{non-resi-} ^{dent} ^{licenses}

7. Section 60 is amended by adding the following ^{as 7 Edw. VII.,} subsection 3a:— ^{c. 49, s. 60,} ^{amended.}

A complaint or information may be for two or more ^{Information} ^{may} ^{include} ^{two or} ^{more} ^{offences.} offences.

CHAPTER 77.

An Act to encourage the Destroying of Wolves.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Wolf Bounty Act*.
- Interpreta- **2.** In this Act
tion.
- "County." "County" shall not include the Provisional County of Haliburton.
- "Regula- "Regulations" shall mean regulations made by the Lieu-
tions." tenant-Governor in Council under the authority of this Act.
- "Wolf." "Wolf" shall mean a grey timber wolf.
- Oath and **3.** Where a person who has killed a wolf in any County
certificate or within one mile of any actual settlement in a County
of killing produces the skin of the wolf before the Sheriff or Treasurer
of of such County, or before a Police Magistrate, or a Clerk of
wolf in the Division Court, or before such officer as the Provincial
county. Treasurer may approve of, together with an affidavit in the
form prescribed by the regulations, stating the place where
and the date when the wolf was killed, with such other par-
ticulars as may be prescribed by the regulations, the Sheriff,
Treasurer, Police Magistrate, Clerk of the Division Court,
or other Officer shall give to the person producing the skin a
certificate in the form prescribed by the regulations.
- Bounty **4.** Upon the delivery of such certificate by the person
payable named therein to the Treasurer of the County, together
by county. with the skin of the wolf, the Treasurer shall pay to such
person the sum of \$15 as a bounty upon the killing of the
wolf.

5. Upon the delivery of the said certificate and the skin of the wolf to the Treasurer of Ontario the Corporation of the County shall be entitled to receive the sum of \$6 upon every bounty of \$15 so paid, out of such money as may from time to time be appropriated by the Legislature for the payment of wolf bounty.

Part of
bounty
to be
recouped
county by
Province.

6.—(1) Where a wolf has been killed in a Provisional Judicial District, the skin may be produced before a Judge of the District Court, a Police Magistrate, a Clerk of the Division Court, the Sheriff of the District, an agent of the Department of Lands, Forests and Mines, or before the Clerk of the District Court.

Oath and
certificate
of killing
of wolf
in district.

(2) Where a wolf has been killed in the Provisional County of Haliburton, the skin may be produced before a Police Magistrate, an agent of the Department of Lands, Forests and Mines, or a clerk of a Division Court in the Provisional County, a Judge of the County Court of the County of Victoria, the Clerk of the said Court, or the Sheriff of the said County.

In Hall-
burton,
who may
take the
oath.

(3) Upon the like proof as set forth in section 3, the Judge or Officer before whom the skin is produced may give the certificate mentioned in section 3, and upon the delivery of such certificate and the skin of the wolf the person named in the certificate shall be entitled to receive from the Treasurer of Ontario the sum of \$15 out of such money as may be appropriated by the Legislature for the payment of wolf bounty.

Certi-
ficate.

7. Where a claim is made for the payment of bounty for a wolf killed in Algonquin Park, the affidavit may be taken and the certificate may be given by the Superintendent of the Park, and it shall not be necessary to show that the person killing the wolf had the special license provided for by section 9 of *The Algonquin National Park Act*.

When wolf
killed in
Algonquin
Park.

10 Edw.
VII., c. 22.

8. Before payment of the bounty to the corporation of the County or directly to the person killing the wolf, the skin shall be delivered to the Treasurer of Ontario, or to such person as he may designate for that purpose, and shall become the property of the Crown and may be disposed of in such manner as the Lieutenant-Governor in Council may prescribe.

Skin to be
delivered to
Treasurer
of Ontario.

9. In case of any claim heretofore or hereafter made whenever the Treasurer of Ontario is satisfied that the person killing a wolf or the corporation of the county which has paid a wolf bounty is justly entitled to receive the bounty he may direct the issue of a cheque in payment thereof

Claims
may be
paid not-
withstand-
ing errors
in proofs.

notwithstanding

notwithstanding any defect in the affidavit or certificate or any doubt as to the authority of the officer taking such affidavit or giving such certificate, and in such case the Provincial Auditor shall forthwith without further audit or examination countersign such cheque.

Regulations. **10.** The Lieutenant-Governor in Council may make regulations for the better carrying out of the provisions of this Act, and copies of such regulations together with the forms therein prescribed shall be transmitted by the Provincial Treasurer to the officers mentioned in sections 3 and 6 of this Act.

11. Chapter 290 of The Revised Statutes of Ontario 1897, c. 290; 63 **V.**, the Act passed in the 63rd year of the reign of Her c. 51; 1 **Edw.**, Late Majesty Queen Victoria, chaptered 51; section 23 of **VII.**, c. 12, the Act passed in the 1st year of the reign of His Late s. 23; 6 **Edw.**, Majesty King Edward VII., chaptered 12; section 33 of **VII.**, c. 19, *The Statute Law Amendment Act, 1906*; section 35 of *The s. 33; 7 **Edw.**, Statute Law Amendment Act, 1907*; and section 41 of *The s. 35; 10 **Edw.**, VII., Statute Law Amendment Act, 1910*, are hereby repealed. c. 26, s. 41, repealed.

Commence-ment of Act. **12.** This Act shall come into force on the 1st day of July, 1911.

CHAPTER 78.

An Act respecting Special Classes.

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Board of Education or the Board of Public School Trustees or the Board of Separate School Trustees of any city may establish and conduct in connection with any school building or in a separate school building provided for that purpose special classes for children Establishment of special classes for backward or defective children.

(a) Who are backward or abnormally slow in learning;

(b) Who, from physical or mental causes require special training and education;

and subject to the regulations made by the Minister of Education may cause a register of such children to be made and may provide teachers and suitable appliances, books and furniture for such classes.

2. Children may be admitted to such special classes upon the application of their parents or guardians and upon the report of the Inspector and the principal of any school at which they are in attendance. Admission to special classes.

3. The Board may provide for medical inspection by a duly qualified medical practitioner of the children attending special classes, and upon the recommendation of the medical inspector may provide for medical treatment being given to any child who appears to the medical inspector to require the same and whose parents are unable from poverty or other cause to provide adequately for the treatment of the child. Medical inspection.

Duty of
School
Boards as
to health
and treat-
ment of
child.

4. It shall be the duty of a Board which has established special classes under this Act to provide for the proper supervision of the health and treatment of every child attending a special class, and for this purpose to direct the medical inspector, or such officer as the Board may appoint, to visit the children in their homes and to consult and advise with the parents of the children as to their treatment in their homes and the conditions which will best enable the children to attain a normal degree of intelligence and education.

Special
courses of
teaching.

5. Subject to the approval of the Minister, the Board may provide a special course of study for children attending the special classes established under this Act.

Regula-
tions.

6. The Minister of Education may from time to time make regulations for the administration and enforcement of this Act and for the establishment, organization, government and examination and inspection of special classes and for prescribing the accommodation and equipment of school rooms or buildings and the arrangement of school premises for special classes.

Apportion-
ment of
special
grant.

7. Subject to the regulations, the Minister shall annually apportion among the special classes all sums of money appropriated as a special grant therefor.

CHAPTER 79.

An Act respecting Education for Industrial Purposes

Assented to 24th March, 1911.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Industrial Education Act*. Short Title.

2. In this Act—

(a) "Board" shall mean and include a Board of Education, a Board of High School Trustees, and a Board of an Urban Continuation School; Interpretation.
"Board."

(b) "Department" shall mean Department of Education; "Department."

(c) "Minister" shall mean Minister of Education; "Minister."

(d) "Regulations" shall mean regulations made under the authority of *The Department of Education Act*, or of this Act. "Regulations."

3.—(1) Part I. shall apply to all Art, Industrial, or Technical Schools, or departments thereof, heretofore established under Acts of the Legislature respecting High Schools and Technical Schools, and in operation at the time of the passing of this Act, and to the schools hereafter established under Part I. of this Act. Application of Act.

(2) Part II. shall apply to agricultural and commercial departments of schools or commercial High Schools heretofore or hereafter established under the regulations of the Department. Agricultural and commercial departments.

PART I.

Industrial, Technical and Art Schools.

4. With the approval of the Minister, a High School Board or a Board of Education of any City, Town or Village, or an Urban Continuation School Board, may provide for

the

the instruction of duly admitted pupils in the following classes of schools:

General Industrial Schools.

(1) General Industrial Schools for instruction in such subjects as may form a basal preparation for the trades, including work-shop practice, with correlated drawing, English, and practical mathematics and science, and continuing the essential subjects of a good general education.

Special Industrial Schools.

(2) Special Industrial Schools, providing for instruction in the theoretical and practical work of particular trades carried on in the City, Town or Village, and when deemed desirable in the essential subjects of a good general education.

Technical High Schools.

(3) Technical High Schools and departments of High Schools for the training of duly admitted High School pupils for minor directive positions in industrial establishments.

Co-operative Industrial Schools.

(4) Co-operative Industrial Schools in which and under such conditions as may be agreed upon between the Board and the employer: (a) apprentices, whether articulated or not, employed in the workshops may receive in the day schools instruction bearing upon their trades; and (b) pupils attending the day schools may receive practical instruction in the workshops.

Art Schools.

(5) Schools for instruction in the Fine and Applied Arts.

Evening Schools for workmen and women.

(6) Industrial, Technical, and Art Evening Schools, in which workmen and workwomen employed during the day may receive theoretical and practical instruction in their trades.

Admission of pupils to schools.

5. Subject to the regulations and with the approval of the Advisory Industrial Committee hereinafter provided for, pupils may be admitted to a special or a general or a co-operative industrial school by the Principal thereof, from the 4th Form of the Public or the Separate School, upon the recommendation of the Principal of such school.

Advisory Committee, how composed.

6.—(1) Every Technical School heretofore established and now in operation and every school established under section 4 of this Act shall be under the management and control of a Committee composed of twelve persons, the members of which shall be appointed by the Board as follows:—

(a) Six members of the Board, including one representative of the Board of Public School Trustees

and

and one representative of the Board of Separate School Trustees, if any;

(b) Three persons not members of the Board who are engaged as employees in the manufacturing or other industries carried on in the local municipality or in the county in which the school is situate; and

(c) Three other persons not members of the Board who are employers of labour or directors of companies employing labour in manufacturing or other industries carried on in the local municipality or in the county in which the school is situate.

(2) The Committee appointed under subsection 1 shall be known as the Advisory Industrial Committee. Advisory Industrial Committee.

7.—(1) In a municipality where there are more than one of the schools established under section 4 of this Act, a separate Advisory Industrial Committee may be appointed for each school, or the Board may place two or more of such schools under one Committee. Number of Committees.

(2) Where two or more Committees are appointed, the members appointed from the Board or any of them may be appointed to more than one Committee, but no person appointed under clauses (b) and (c) of the next preceding section shall be appointed to serve on more than one Committee. Who may serve on more than one committee.

8.—(1) The twelve members of the Advisory Industrial Committee shall be appointed at the meeting of the Board at which a school is established under this Act, and in the case of a school heretofore established to which this Act applies, the appointments shall be made at the first meeting of the Board held after the passing of this Act. Appointment of members of Committee.

(2) The members of the Committee appointed at such meeting under clause (a) of subsection 1 of section 6 shall hold office until the first meeting of the Board in the next following year. Tenure of office of members who are members of Committee.

(3) One of the members appointed under clause (b) of subsection 1 of section 6 and one of those appointed under clause (c) of subsection 1 of section 6 shall be appointed to hold office until the first meeting of the Board in the next following year; one of each class shall be appointed to hold office until the first meeting in the second year following that in which they are appointed, and one of each class to hold office until the first meeting in the third year following that in which he is appointed. Tenure of office of other members.

Filling
vacancies
caused by
retirement.

(4) The Board at its first meeting in each year after the establishment of the school shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members of the Committee appointed from that class.

Filling other
vacancies.

(5) Every vacancy upon the Committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat became vacant.

Qualification
of members
not appointed
from
Board.

9. The members of the Advisory Industrial Committee appointed under clauses (b) and (c) of subsection 1 of section 6 shall be British subjects and resident ratepayers of the local municipality or in the county in which the school is situate for which they are appointed, and shall be persons who, in the judgment of the Board, are specially competent to give advice and other assistance in the management of the schools under charge of the Advisory Industrial Committee.

Powers of
Committee.

10.—(1) Subject to the approval of the Minister and the Board, every Advisory Industrial Committee shall have authority: (a) to provide a suitable site and building and suitable equipment; (b) to arrange for conducting the school or any classes thereof in a High, Public or Continuation School or other building in the municipality; and (c) to prescribe courses of study and provide for examinations and diplomas.

Powers sub-
ject to ap-
proval of
Board.

(2) Subject to the approval of the Board, every Advisory Industrial Committee shall have authority: (a) to employ and dismiss teachers and fix their salaries; (b) to visit and report on the school or schools in its charge; (c) to fix the fees payable by pupils in attendance; (d) to submit annually to the Board at such date as the Board may require an estimate of the amount required to carry on the work of the school during the next calendar year; and (e) generally to do all other things necessary for carrying out the true object and intent of this Act with respect to any school which may be established thereunder.

Provision
for cost of
school.

11. Subject to the regulations, the cost of establishing and maintaining every school established under section 4 of this Act shall be provided in the same manner as in the case of a High School.

Apportion-
ment of Leg-
islative
grant.

12. Subject to the regulations, the Minister shall apportion all sums of money appropriated by the Legislature for

the establishment and maintenance of schools established under section 4 of this Act.

13. The regulations may provide as to any class of schools ^{Regulations.} established under this Act for (1) the qualifications of teachers; (2) the courses of study; (3) the character of the site, accommodations, and equipment; (4) the maximum and minimum fees that may be charged to pupils; and (5) generally as to any matter relating to the conduct and efficiency of the schools not herein expressly provided for.

PART II.

Agricultural and Commercial Departments and Commercial High Schools.

14.—(1) Where, in accordance with the regulations, a ^{Committees of Management for Agricultural and Commercial Departments and Commercial High Schools.} Commercial High School has been heretofore or is hereafter established, or where an Agricultural or Commercial Department has been heretofore or is hereafter established, in a High or Continuation School, the Board having control of such department or school shall appoint for each agricultural department and each commercial department or commercial High School, a Committee of Management, consisting in each case of eight persons, (a) four of whom shall be members of the Board, including one representative thereon of the Board of Public School Trustees and one of the Board of Separate School Trustees if any; and (b) four of whom shall be resident ratepayers of the local municipality or of the county in which the school or department is situated, but not members of the Board, each appointee being also a British subject of the full age of twenty-one years and actually engaged in agricultural or commercial pursuits, and, in the judgment of the Board, competent to advise and give other assistance in the management of the departments or schools.

(2) Such Committees shall be respectively known as the ^{How designated.} Advisory Agricultural Committee and the Advisory Commercial Committee.

(3) Two of the members of the committee not members of the Board shall be appointed to hold office until the first ^{Appointment and tenure of office.} meeting of the Board in the next following year, one shall be appointed to hold office until the first meeting in the second year following, and one to hold office until the first meeting in the third year following, and save as aforesaid the provisions of this Act as to the appointment and term of office and the filling of vacancies among the members of an Ad-

visory

visory Industrial Committee shall apply to a Committee appointed under subsection 1 of this section.

Powers of
Committee.

15. Subject to the approval of the Minister and the Board, every Advisory Agricultural Committee and every Advisory Commercial Committee shall have authority to prescribe courses of study and provide for examinations and diplomas; and, subject to the approval of the Board, (a) to visit and report on the school or department under its charge; to provide accommodations, equipment and supplies; (b) to fix the fees payable by pupils in attendance; (c) to submit annually to the Board at such date as the Board may require an estimate of the amount required to carry on the work of the school or department during the ensuing year; and (d) generally to do all other things necessary for carrying out the true object and intent of Part II. of this Act.

9 Edward
VII., c. 80,
amended.

16.—(1) *The Public Libraries Act* is amended as follows:

S. 8, subs. 3
amended.

(a) By striking out all the words in subsection 3 of section 8 after the word "village" in the 4th line.

S. 8, subss.
5 and 6,
repealed.

(b) By striking out subsections 5 and 6 of section 8.

S. 9, subs. 1,
amended.

(c) By striking out the words "museum, evening classes and art school" in the 5th line of subsection 1 of section 9 and inserting the words "and museum" in lieu thereof.

S. 10, cl. (a),
amended.

(d) By striking out the words "museums, evening classes and art schools" in the 2nd and 3rd lines of clause (c) of section 10 and inserting the words "and museums" in lieu thereof.

S. 27, re-
pealed.

(e) By striking out section 27.

S. 32,
amended.

(f) By striking out the words "museum, art school, or any class in connection therewith" in the 2nd and 3rd lines of section 32 and inserting the words "or museum" in lieu thereof.

Rev. Stat.,
c. 301, re-
pealed.

(2) *The Act respecting Technical Schools* is repealed,

3 Edw. VII.,
c. 19, s. 587,
pars. 10, 11,
repealed.

(3) Paragraphs 10 and 11 of section 587 of *The Consolidated Municipal Act, 1903*, are repealed.

CHAPTER 80.

An Act respecting the Toronto General Hospital.

Assented to 24th March, 1911.

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Toronto General Hospital Act, 1911.* Short title.

2. The agreement between the Governors of the University of Toronto and the Trustees of the Toronto General Hospital, a copy of which is set out in Schedule 1, is hereby declared to be valid and binding on the parties to it and they are hereby respectively authorized and required to carry out and observe the provisions and agreements on their part which it contains. Agreement with University confirmed.

3. The by-law, a copy of which is annexed to the agreement and set out in Schedule 1, is hereby declared to be a valid by-law of the Trustees of the Toronto General Hospital. By-law as to medical staff confirmed.

4. The Lieutenant-Governor in Council may for, and in the name of the Province of Ontario, guarantee the payment of the debentures mentioned in paragraph 7 of the agreement, and may prescribe the form of the guaranty and name the officer by whom it is to be executed, and when executed in the form and manner prescribed, the guaranty shall be binding on the Province. Lieutenant-Governor in Council may guarantee debentures.

5. By-law Number 5454, intituled a by-law for the issue of "City of Toronto General Consolidated Loan Debentures to the amount of \$250,000 to make a grant to the Toronto General Hospital, and for the acquiring lands to extend Christopher Street," passed by the Council of the Corpora- By-law 5454 of Toronto making grants confirmed.

tion of the City of Toronto, on the 25th day of April, 1910, a copy of which is set out in Schedule 2, is hereby declared to be a valid by-law, and the same is hereby confirmed and the debentures to be issued thereunder are hereby declared to be valid and binding on the corporation and the ratepayers of the City of Toronto.

SCHEDULE 1.

Agreement made the first day of December, 1910.

BETWEEN

The Governors of the University of Toronto, hereinafter called the University,

—and—

The Trustees of the Toronto General Hospital, hereinafter called the Trustees;

Whereas the Trustees have determined to erect a new hospital on the block of land fronting on Avenue Street, recently acquired by them, and the University has contributed \$300,000 towards the cost of acquiring the land and erecting the hospital;

And whereas the Trustees have been unable to raise at present the amount necessary to pay for the land and erect and equip the hospital and have applied to the University for a further contribution of \$300,000;

And whereas the University has agreed to give such further contribution of \$300,000 on the terms and conditions hereinafter mentioned;

Now this agreement witnesseth that it is agreed by and between the parties hereto in manner following:

1. The University shall pay to the Trustees the said sum of \$300,000 by issuing its debentures or bonds payable in forty consecutive equal annual sums of such amount as will be sufficient to pay the principal sum and interest at the rate of four per cent. per annum in such forty equal annual instalments.

2. The debentures or bonds shall bear date the first day of January, 1911, and the interest shall be computed from that date, and the first of the annual payments shall be made in one year therefrom.

3. The debentures or bonds shall be unconditional and in the hands of a purchaser for value shall not be affected by any breach that may happen on the part of the Trustees in the performance of the covenants on their part herein contained, or any of them.

4. The Trustees shall complete the erection and equipment of the new hospital in accordance with the plans which have been approved by the Trustees, within five years from the date hereof.

5. The Trustees shall forthwith convey to the University the south-west part of the block of land hereinbefore mentioned, having a frontage of two hundred and twenty feet on University Street by a depth of one hundred and forty feet on Christopher Street, for the purpose of the University erecting thereon buildings for the use and accommodation of its Departments of Pathology, Bacteriology and Pathological Chemistry and of any other Department of its Medical Faculty.

6. The University shall erect on the lands mentioned in paragraph 5, in time for use when the hospital is completed, buildings for the accommodation of its Departments of Pathology, Bacteriology and Pathological Chemistry, and shall expend in so doing at least \$100,000.

7. The money requisite for the erection and equipment of the buildings mentioned in paragraph 6, not exceeding \$130,000, shall be provided by the Trustees upon three months' notice being given to them by the University stating the sum required, and shall be repaid by the University by the issue of its debentures guaranteed by the Province of Ontario in like manner and with the like interest as is provided with regard to the contribution of \$300,000, and the provisions of paragraph 3 shall apply to the debentures or bonds to be issued by the University for the repayment of the money so provided.

8. In the event of the University desiring at any time to discontinue the use of the said lands and the buildings which may be erected thereon for the purposes mentioned in paragraph 5, the University shall be entitled to use them for any educational purpose of the University or of any University or College now or hereafter federated with the University or of University College or the University at its option may require the Trustees to purchase the land and buildings at the now value of the land, which it is agreed is the sum of \$38,500, and the value to the Trustees for the purpose of or connected with the hospital of the buildings, such value to be determined in case of a difference between the parties as to it by arbitration.

In order to settle differences of opinion which have arisen as to the rights of the University as to clinical instruction in the hospital and the use of the hospital and the patients thereof, including outdoor patients, for the purposes of such instruction it is further agreed by and between the parties thereto:

9. Four of the Governors of the University appointed by the Governors and four of the Trustees of the hospital to be appointed by the Trustees of the hospital shall constitute a joint Hospital Relations Committee of the two contracting parties for the purposes hereinafter mentioned:

10. The Trustees shall forthwith pass the By-law, a draft of which is hereto annexed, and shall procure such By-law to be approved by the Lieutenant-Governor in Council in accordance with the provisions of the Act relating to the hospital passed in the year 1906, 6 Edward VII., c. 59, s. 17, as amended in 1908, 8 Edward VII., c. 33, s. 60.

11. No change in such By-law shall be made without the consent in writing of the University, unless at least one month's notice in writing of the proposed change shall have been first given to the University.

12. Subject to the provisions of paragraph 14, the head professor or other head in the Faculty of Medicine of the University of Toronto, of the Departments of Medicine, Surgery, Obstetrics,

Gynaecology,

Gynaecology, Ophthalmology and Laryngology shall each be entitled ex officio to a regular service in the hospital (including out-door patients) and shall be appointed by the Trustees upon their hospital staff and be provided with such service, but the provisions of this paragraph are not to be deemed to confer any right or privilege on any such head professor or other head which shall be enforceable by him, but such provision shall be enforceable only by the University.

13. If the Trustees are of opinion that any person entitled ex officio to a service under paragraph 12 ought not to be entrusted with a service they shall be entitled to notify the University of their objection and such notice shall be given in writing to the University at least three months before the time for making the annual appointments and if it is given and the University does not agree to give effect to the objection it shall be referred to the Lieutenant-Governor in Council for decision.

14. In the event of the objection prevailing either by the University assenting to it, or by the decision of the Lieutenant-Governor in Council, or in the event of the person entitled ex officio to a service being disqualified under the provisions of the by-laws of the Trustees for appointment, the position shall be filled in the manner hereinafter provided by paragraph 15 for making the appointments of the other members of the Hospital Staff.

15. All appointments to positions on the Hospital Staff other than those mentioned in paragraph 12 shall be made by the Trustees only on the nomination of the Joint Committee or a majority thereof, and if the Joint Committee is unable to agree upon a nomination for any such appointment, the nomination shall be made by the President of the University and the Chairman of the Trustees, or if they do not agree, by them and some third person appointed by them, or a majority of them.

16. The provisions of paragraphs 9 to 15 inclusive and of paragraph 19 shall take effect on the execution of this Agreement, but not so as to interfere with any appointment made for the current year.

17. Except as provided by paragraph 16, this Agreement shall not take effect unless and until the By-law mentioned in paragraph 10 shall have been passed by the Trustees and approved by the Lieutenant-Governor in Council.

18. In the event of other Departments than those mentioned in paragraph 12 being hereafter established in the Medical Faculty of the University and the University being of opinion that services should be provided for such Departments the University shall be entitled to require the Trustees to pass the necessary By-law to re-arrange the services so as to provide services for such Departments, and if the Trustees object to do so, the matter in dispute shall be referred to the Joint Committee for decision and in the event of the Committee being unable to agree as to whether such re-arrangement should be made, the matter shall be referred to a Medical Expert residing out of Ontario to be agreed on by the University and the Trustees, or if they are unable to agree as to the Medical Expert, he shall be named by the Lieutenant-Governor in Council, and his decision shall be final and shall be given effect to by the passing by the Trustees of the necessary By-law and the transmission of the same to the Provincial Secretary for the approval of the Lieutenant-Governor in Council, but nothing in this paragraph shall entitle the University to require the Trustees to incur any additional expenditure for new buildings or the equipment of them.

19. If either party so desires, the Trustees shall obtain legislation confirming this Agreement.

In witness whereof the parties hereto have caused to be hereunto affixed their respective Corporate Seals.

Signed, sealed and delivered in presence of

	(Signed) B. E. WALKER,	<i>Chairman.</i>
(Signed) A. M. GALL.		(L.S.)
	(Signed) F. A. MOURE,	<i>Bursar.</i>
	(Signed) J. W. FLAVELLE,	<i>Chairman.</i>
(Signed) W. T. WHITE.		(L.S.)
	(Signed) A. F. MILLER,	<i>secretary.</i>

BY-LAW RESPECTING THE MEDICAL STAFF OF THE HOSPITAL.

Be it enacted by the Trustees of the Toronto General Hospital:

1. In making appointments to the Visiting Staff regard shall be had to the Agreement between the Governors of the University of Toronto and the Trustees, dated the first day of December, 1910, to the previous training and record of the applicant, his capacity to render service to the sick in the hospital, his scientific attainments, his teaching capacity and the promise he gives for future work.

2. All appointments shall be made annually at the regular meeting of the Board in the month of April.

3. There shall be no remuneration to members of the Visiting Staff.

4. In making appointments to the Staff sex shall be no bar.

5. The members of the Visiting Staff shall not be allowed to serve on the Staff of any other General Hospital.

6. The following shall be the services in the several Departments of the Hospital:

In Medicine (including Dermatology and Neurology) three co-ordinate services;

In Surgery, four co-ordinate services;

In Obstetrics, one service;

In Gynaecology, one service;

In Ophthalmology, one service;

In Otology, Rhinology and Laryngology, one service.

7. Each of the services in the several Departments shall be under a head with such associates and assistants as may be found necessary.

8. The several services in all Departments shall be so organized as to include both indoor and outdoor patients and the heads of such services shall be responsible for the treatment of all such patients.

9. The Heads in Surgery shall retire from their position at the age of 55, and the Heads in Medicine at the age of 60 years. If the Board of Trustees and the University so agree, the age limit may be extended to 60 years in the case of Surgeons and to 65 years in the case of Physicians. If the Board and the University fail to agree to any such extension, either party may refer the matter to the Lieutenant-Governor in Council for decision. The age limit for Surgeons shall apply to the Heads in the Departments of Obstetrics, Gynaecology, Ophthalmology, Otology, Rhinology and Laryngology.

10. The Heads in Medicine shall not engage in general practice but shall confine their work outside of the Hospital to consultation.

11. The Heads in Surgery shall practise Surgery only; but this provision shall not apply to the present head professor of Surgery in the Faculty of Medicine of the University of Toronto.

12. The Head of the service in Obstetrics shall practise Obstetrics and Pediatrics only.

13. The Head of the service in Gynaecology shall confine his work in the hospital to Gynaecology only but may outside engage in Surgery but not in general practice.

14. The Head of the service in Ophthalmology shall confine his work in the hospital to Ophthalmology but may outside practise the three other specialties of Otology, Rhinology and Laryngology.

15. The Head of the service in Otology, Rhinology and Laryngology shall confine his work in the hospital to the specialties, but may outside practise Ophthalmology.

16. There shall be a Department of Pathology and Bacteriology and a Department of Pathological Chemistry. These two Departments shall be in charge of Professors of the University.

17. The Department of Anaesthetics shall be under the supervision of one Head.

18. All public ward patients shall be entered under the care of heads of services and shall be available for the clinical instruction of students of the Medical Faculty of the University of Toronto.

19. Members of the Medical Profession who are not on the Staff of the Hospital shall have the privilege of attending patients in the private, semi-private and semi-public wards.

20. There shall be a Medical Board the work of which shall be advisory only, which shall consist of the Heads of the various services.

21. Seniors who, by reason of the age limit, are required to sever their connection with the Active Staff, may be given positions on the Consulting Staff.

Passed the twenty-fifth day of January, 1911:

(Signed) J. W. FLAVELLE,
Chairman.
(L.S.)

(Signed) A. F. MILLER,
Secretary.

SCHEDULE

SCHEDULE 2.

No. 5454. A BY-LAW

To provide for the issue of "City of Toronto General Consolidated Loan Debentures" to the amount of \$250,000, to make a grant to the Toronto General Hospital, and for acquiring lands to extend Christopher Street.

(Passed April 25th, 1910.)

Whereas in the opinion of this Council it is desirable to make a grant to the Toronto General Hospital to the amount of \$200,000 and to raise \$50,000 for the purpose of extending Christopher Street to Elizabeth Street;

And whereas by an Act passed by the Legislature of the Province of Ontario in the fifty-second year of the reign of Her late Majesty Queen Victoria, and chaptered 74, entitled "An Act respecting the Consolidation of the Debenture Debt of the City of Toronto," as amended by an Act passed in the fifty-eighth year of Her said reign, and chaptered 89, it is amongst other things enacted that the Corporation of the City of Toronto may pass By-laws for authorizing the issue of debentures of the said City to an amount not exceeding in the whole twelve and one-half per centum of the assessed value of the whole of the rateable property in the City up to the first one hundred millions thereof, and eight per cent. of the assessed value of said property beyond the said sum of one hundred millions, as established and shewn from time to time by the last revised assessment rolls of the said City, said debentures to bear interest at a rate not exceeding four per cent. per annum;

And whereas the amount of the whole rateable property in the City of Toronto, according to the last revised assessment rolls of the said City, being those prepared in the year 1908 for the year 1909 is \$234,597,194, exclusive of the property liable for school taxation only, and exempt from general taxation;

And whereas the general debenture debt of the City, as authorized and controlled by the said recited Act, and exclusive of local improvement debts and of the debt incurred for Water Works purposes, which, according to the said Act, is not to be counted as part of the general debenture debt, only amounts to \$21,032,310, of which debt no part of the principal or interest is in arrear;

And whereas the sum of \$250,000 is the debt intended to be created by this By-law;

And whereas it will require the sum of \$10,000 to be raised annually for a period of thirty-eight years, the currency of the debentures to be issued under and by virtue of this By-law, to pay the interest of the said debt, and the sum of \$3,615 to be raised annually during the same period for the forming of a sinking fund for the payment of the debt created by this By-law, according to the provisions of the above recited Acts, making in all the sum of \$13,615 to be raised annually as aforesaid;

And whereas it is necessary that such annual sum of \$13,615 shall be raised and levied in each year during the said period of thirty-eight years, by a special rate sufficient therefor on all the rateable property in the municipality of the City of Toronto;

Therefore the Council of the Corporation of the City of Toronto enacts as follows:

1. It shall be lawful for the Mayor of the City of Toronto and the City Treasurer to raise by way of loan, upon the security of the debentures hereinafter mentioned from any person or persons,

body

body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of \$250,000, and to cause the same to be paid into the hands of the Treasurer for the purposes and with the objects above recited.

2. It shall be lawful for the said Mayor and Treasurer to cause any number of debentures to be made for such sums of money as may be required for the purposes aforesaid, either in currency or sterling money payable in gold coin for not less than one hundred dollars currency, or twenty pounds sterling each, and not exceeding in the whole the said sum of \$250,000, and the said debentures shall be sealed with the seal of the said Corporation, and be signed by the Mayor and the Treasurer.

3. The said debentures shall bear date the first day of July, 1910, and shall be made payable on the first day of July, 1948, in Canada, Great Britain, or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest at the rate of four per cent. per annum from the date thereof, which interest shall be payable half-yearly, on the first days of the months of January and July in each year, at the place where the said debentures are made payable.

5. During the currency of the debentures to be issued under the authority of this By-law, the sum of \$10,000 shall be raised annually for the payment of interest on said debentures, and the sum of \$3,615 shall be raised annually for the purpose of forming a sinking fund for the payment of the principal of the said loan of \$250,000 in thirty-eight years, according to the provisions of the above recited Acts, making in all the sum of \$13,615 to be raised annually as aforesaid, and a special rate in the dollar upon all the assessed value of all the rateable property in the City of Toronto over and above all other rates and taxes, and which special rate shall be sufficient to produce in each year the said sum of \$13,615, shall be annually levied and collected in each and every year during the currency of the said debentures.

6. The said Mayor and Treasurer may cause the said debentures, or a sufficient amount thereof, to be sold or hypothecated, or may authorize the said debentures, or any portion thereof, to be purchased or taken as and for a temporary or permanent investment of the sinking fund of the City of Toronto, and the proceeds thereof, after providing for the discount (if any) and the expenses of the negotiation and sale thereof, shall be applied for the purposes above specified and for no other purpose.

7. The debentures to be raised hereunder shall contain a provision in the following words: "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation at the City of _____," or to the like effect.

8. This By-law shall take effect on, from and after the passing thereof.

CHAPTER 81.

An Act to Consolidate the Floating Debt of the
Village of Beamsville.*Assented to 24th March, 1911.*

WHEREAS the Municipal Corporation of the Village Preamble.
of Beamsville has by its petition represented that
it has incurred a floating indebtedness of \$5,645.52, which
has been incurred in part in the construction of certain
works and improvements of a necessary and permanent char-
acter and in part by the failure to levy a sufficient rate to pay
all the current expenses in the years 1907, 1908 and 1909;
that the existing debenture debt of the said Corporation is
the sum of \$34,618.84, of which only the sum of \$15,663.61
is a general debenture debt; that the total assessment of the
said Village of Beamsville for the year 1910 was the sum
of \$357,206; that to pay the said floating debt forthwith, in
addition to meeting the necessary annual expenses of the
Corporation, would be unduly oppressive to the ratepayers
of the said Corporation; that the Board of Trade of the said
Village of Beamsville, with other ratepayers, petitioned the
Council of the said Village to provide for the payment of
the said floating debt over a period of ten years rather than
by a special levy in the one year; and that the ratepayers of
the Village of Beamsville in the month of August, 1910,
voted on the question of paying said floating debt all in
one year or by debentures repayable principal and interest
over ten years, and by a vote of 99 to 37 decided in favour
of payment by debentures, payable principal and interest
over ten years. And whereas the said Corporation by its
petition has prayed that the said floating debt may be con-
solidated and that the said Corporation may issue debentures
for the amount thereof; and whereas it is expedient to grant
the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The said floating debt of the Corporation of the Vil-
lage of Beamsville is hereby consolidated at the sum of Floating
debt con-
solidated at
\$5,800.
\$5,800, and it shall and may be lawful for the said Corpora-
tion

tion to raise by way of loan, on the credit of its debentures to be issued under the authority of this Act, from any person or persons or body corporate, the sum of \$5,800.

Debentures **2.** The said debentures shall be in sums of not less than \$100 each, and shall be made payable at such places as the Corporation may deem expedient.

Term of debentures and how payable. **3.** A portion of such debentures shall be made payable in each year, for a period not exceeding ten years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other years of the period within which the debt is to be discharged; such interest shall be made payable by coupons to be attached to the said debentures, if the by-law so directs, and shall be at such rate not exceeding five per cent. per annum as the said Corporation may direct, and shall be payable yearly.

Hypothecation of debentures. **4.** The said Corporation may for the purpose herein mentioned raise money by way of loan on the said debentures or sell and dispose of the same as may be deemed expedient.

Application of proceeds of debentures. **5.** The said debentures and all moneys arising therefrom shall be applied by the said Corporation to the redemption of the said floating debt of \$5,645.52 and the costs of the special Act, and for no other purposes whatsoever.

Assent of electors not required. **6.** It shall not be necessary to obtain the consent of the ratepayers of the said Corporation to the passing of any by-law or by-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act.

Irregularity in form not to invalidate. **7.** No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder of said debentures shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt, created under such by-law and interest thereon is fully paid and satisfied.

By-law not to be repealed until debt paid.

9. The said Corporation shall levy on all rateable property in the said Village, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Floating Debt Rate," and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Special rate.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Village of Beamsville from any indebtedness or liability which may not be included in the indebtedness hereby consolidated.

Other liabilities of village not affected.

11. It shall be the duty of the treasurer for the time being of the said Corporation to keep, and it shall be the duty of the members from time to time of the Council of the said Corporation to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said Corporation, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Treasurer to keep proper books of accounts.

CHAPTER 82.

An Act to Confirm By-law No. 772 of the Town of Bowmanville.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Municipal Corporation of the Town of Bowmanville has by petition represented that the said Corporation duly passed a By-law intituled:—"By-law No. 772, By-law of the Corporation of the Town of Bowmanville, to exchange the indebtedness of the Durham Rubber Company, Limited, of \$11,250 and \$8,030, to them, to a bonus of same amount secured by mortgages on the real estate, plant and machinery of The Goodyear Tire and Rubber Company of Canada, Limited, and to grant to the said last-named Company a partial exemption from taxation, and a fixed assessment," a copy whereof is set out in Schedule "A" to this Act; and did also enter into a certain agreement bearing date the fifteenth day of November, 1910, which was made between the said the Corporation of the Town of Bowmanville and the Goodyear Tire and Rubber Company of Canada, Limited, upon which agreement the said By-law was founded, a copy of which agreement is set out in Schedule "B" to this Act; that said By-law and agreement were on the twenty-seventh day of December, 1910, submitted to a vote of the ratepayers of the said Corporation entitled to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1903*, whereupon out of 551 ratepayers entitled to vote on the said By-law 359 voted for same and 12 against it; that the preserving of the industry carried on by The Goodyear Tire and Rubber Company, Limited, will be of great advantage to the town, and that there is no competing industry therein or within a considerable distance thereof; and whereas the said Corporation has by petition prayed that an Act may be passed confirming said By-law and agreement, and to confer such rights and powers on the said Corporation as may be necessary or advantageous to enable the said Corporation to carry out the intent of said By-law and agreement; and whereas The Goodyear Tire and Rubber Company of Canada, Limited, has consented to the passing of this Act; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the provisions of Section 2 of this Act, By-law No. 772 of the Town of Bowmanville set out in Schedule "A" and the agreement set out in Schedule "B" to this Act are confirmed and declared to be legal, valid and binding upon the said the Municipal Corporation of the Town of Bowmanville, and the ratepayers thereof; and the said By-law and agreement are declared to be legal, valid and binding upon the said The Goodyear Tire and Rubber Company of Canada, Limited; and the discharges of mortgages authorized to be given by said agreement and By-law by the Corporation of the Town of Bowmanville when executed are hereby declared to be legal, valid and binding upon the said the Corporation of the Town of Bowmanville and shall pass the title in the property referred to in same to The Goodyear Tire and Rubber Company of Canada, Limited; and the mortgages authorized to be given by the said By-law and agreement by The Goodyear Tire and Rubber Company of Canada, Limited, to the Corporation of the Town of Bowmanville when executed are hereby declared to be legal, valid and binding upon The Goodyear Tire and Rubber Company of Canada, Limited, and shall pass the title in the property in same for the purposes mentioned in said mortgages to the Corporation of the Town of Bowmanville; and the said Corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of and giving effect to the said By-law and agreement.

By-law No. 772 of Town of Bowmanville and agreement with Goodyear Tire & Rubber Co. confirmed.

2. Notwithstanding anything in the said By-law or agreement, the lands, property and business of the said Company shall be liable to taxation for school purposes on the full assessable value thereof as provided by *The Assessment Act*.

Taxation for school purposes. 4 Edw. VII, c. 23.

3. Any provisions contained in *The Consolidated Municipal Act, 1903*, or in any Act, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the said By-law and agreement, or to either of them, or to the discharges of mortgages, or mortgages to be executed and given under same.

Inconsistent provisions of 3 Edw. VII, c. 19, not to apply.

SCHEDULE "A".

GOODYEAR COMPANY.

BY-LAW NO. 772.

By-law of the Corporation of the town of Bowmanville to exchange the indebtedness of the Durham Rubber Company, Limited, of \$11,250 and \$8,030 to them, to a bonus of same amount secured by mortgages

mortgages on the real estate, plant and machinery of The Goodyear Tire and Rubber Company of Canada, Limited, and to grant to the said last named company a partial exemption from taxation, and a fixed assessment.

Whereas under a certain by-law of the Corporation of the town of Bowmanville (hereinafter called the Corporation) numbered 694, duly passed and subsequently confirmed by an Act of the Legislative Assembly of the Province of Ontario, in the fifth year of the reign of His Majesty King Edward VII. (1905) and chaptered 41, on certain agreements being performed a loan of \$15,000 was to be made by the said Corporation to The Durham Rubber Company, Limited, to be secured by a mortgage upon its real estate, plant and machinery, which mortgage was to be conditioned for repayment in twenty equal successive annual instalments of \$750 each without interest, the first of such payments to be made in twelve months from the date of the advance of the said sum of \$15,000.

And whereas the said The Durham Rubber Company, Limited, performed all agreements necessary to entitle it to receive said loan, and did receive same on or about the eighth day of August, 1906, and has since paid five annual instalments of \$750 and has performed every agreement contained in said mortgage which it was incumbent on it to perform, and there is now owing in respect of said mortgage the sum of \$11,250;

And whereas under a certain other By-law of the Corporation of the town of Bowmanville, and numbered 695, duly passed and subsequently confirmed by the Act of the said Legislative Assembly above set out, a bonus of \$8,030.00 was granted on certain conditions to the said The Durham Rubber Company, Limited, which gave a mortgage on its real estate, plant and machinery to secure the performance of said conditions, and in said mortgage it was provided that on The Durham Rubber Company, Limited, performing said conditions up to and including the first day of September, 1925, that the said mortgage was to be void, and the said Company was to be entitled to a discharge of same;

And whereas the said The Durham Rubber Company, Limited, has bona-fide performed the conditions contained in said mortgage;

And whereas The Goodyear Tire and Rubber Company of Canada, Limited, (hereinafter called the Company) has with the consent and approval of the Council of the corporation contracted with The Durham Rubber Company, Limited, for the purchase of all the capital stock of the said The Durham Rubber Company, Limited, which is to carry with it, with other things, all the real estate, plant and machinery of the said The Durham Rubber Company, Limited, on the distinct understanding and agreement that on the Company assuming the obligations of the Durham Rubber Company, Limited, as added to and amended by a certain agreement set out in the agreement hereto annexed, and forming Schedule "A" hereto, which shall be read as incorporated with and forming part of this By-law, the Company shall be entitled to the benefits and privileges enjoyed by The Durham Rubber Company, Limited, under the By-laws above in part recited, and those contained herein as well;

And whereas it will not be requisite to raise any sum to meet the requirements of this by-law;

And whereas it is desirable to ratify said agreement;

Therefore the Municipal Council of the Corporation of the town of Bowmanville, enacts as follows:—

1. The property of the Company owned and held by it within the limits of the Corporation, and used by it in connection with its business (not houses or residences occupied by any of its workmen or officers) shall be partially exempt from municipal taxation (save and except taxation for school rates) for a period from the first day of January, 1911, to the thirty-first day of December, 1925, to the following extent and amount, that is to say:—

Exemption of all the assessed value thereof over and above the sum of \$50,000 shall be entirely exempt from taxation, and the assessment of all said property of the Company shall be fixed, inclusive of the business tax, at \$50,000 for said term, upon which

it shall pay taxation for school rates only, provided that the said exemption over the said sum of \$50,000 is granted subject to the performance and observance by the Company of the terms, conditions and stipulations, made and contained in the agreement by and between the Corporation and the Company, which is hereto annexed and marked as Schedule "A" and is incorporated herewith, and forms part of this By-law;

Provided also that notwithstanding the partial exemption from taxation hereby granted, the real and personal property of the Company shall during said period be annually assessed in the same manner as if this By-law had not been passed, and the taxes rated thereon shall be duly entered in the collector's roll of the said town of Bowmanville, but taxes shall only be collected on the said sum of \$50,000 to the extent of the school rates which may be levied in any year, unless the Company shall have made default in the terms, provisions and stipulations of this agreement, in which case the whole of the said taxes shall become due and payable, and may be collected by the Corporation as if this by-law had not been passed.

2. It shall and may be lawful for the Mayor to discharge or release the mortgage above in part firstly recited on which there is owing the sum of \$11,250, which mortgage bears date the eighth day of August, 1906, made between The Durham Rubber Company, Limited, as mortgagors, and The Corporation of the town of Bowmanville as mortgagees, which was registered in the Registry Office for the West Riding of the County of Durham in book 16 for the town of Bowmanville on the 10th day of August, 1906, at 11.20 o'clock a.m., as number 5380; and also discharge or release the mortgage above in part secondly recited, on which there is owing \$8,030, which mortgage bears date the eighth day of August, 1906, made between The Durham Company, Limited, as mortgagors, and the Corporation of the town of Bowmanville as mortgagees, which was registered in the Registry Office for the West Riding of the County of Durham, in book 16 for the town of Bowmanville on the tenth day of August, 1906, at 11.25 o'clock a.m. as number 5381, by affixing the seal of the Corporation to the said discharges or releases and setting his hand thereto as Mayor.

3. This By-law shall not come into force unless and until it is confirmed and validated by an Act of the Legislative Assembly of the Province of Ontario, and on the said Legislative Assembly passing such an Act which shall confirm and validate this By-law, this By-law shall come into force on the date when it receives the assent of the Lieutenant-Governor of the Province of Ontario.

4. It is declared and enacted that this By-law is passed subject to the performance and observance by the Company of the terms, conditions and stipulations made and contained in the agreement by and between the Corporation and the Company, which is hereto annexed and marked as Schedule "A" and is incorporated herewith as aforesaid and forms part of this By-law, and on the performance and fulfilment thereof the referred to discharges or releases are to be executed and delivered to the Company and not otherwise.

5. The votes of the qualified electors of the said Corporation shall be taken on this By-law pursuant to the provisions of the Statutes in that behalf on Tuesday, the twenty-seventh day of December, 1910, from nine o'clock in the forenoon to five o'clock in the afternoon at the following places:

For the West Ward, at the Council room in the Municipal Buildings in the town of Bowmanville;

For the North Ward, at the office of the Bowling Club on the north side of Church Street, between Temperance and Division Streets, in said town of Bowmanville;

For the South Ward, in the basement of the Public School on Victoria Street, in the said town of Bowmanville;

The following persons shall be the Returning Officers for the taking of votes at the said polling place:

For the West Ward, John Lyle.

For the North Ward, John S. Moorcraft;

For the South Ward, James Nookes.

6. That Wednesday, the twenty-first day of December, 1910, at twelve o'clock noon, shall be the day and hour, and the Council Chamber in the Municipal Buildings in Bowmanville, the place where the Mayor shall attend to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk on behalf of the persons interested in promoting or opposing the passing of this By-law.

7. That Wednesday, the twenty-eighth day of December, 1910, at ten o'clock in the forenoon, shall be the day and the hour, and the Council Chamber in the Municipal Buildings in the town of Bowmanville, the place where the Clerk shall sum up the number of votes given for and against this By-law.

Passed third reading in open Council on Friday, December 30th, 1910.

	(Sgd.) JOHN J. MASON,	
(Seal)		Mayor.
	(Sgd.) JOHN LYLE,	
		Clerk

SCHEDULE "B".

THIS AGREEMENT made and entered into this 15th day of November, one thousand nine hundred and ten, between the Corporation of the town of Bowmanville (hereinafter called the "Corporation") of the first part, and The Goodyear Tire and Rubber Company, of Canada, Limited, (hereinafter called the "Company") of the second part.

Whereas, under a certain By-law of the said Corporation numbered 694, duly passed and subsequently confirmed by an Act of the Legislative Assembly of the Province of Ontario in the fifth year of the reign of His Majesty King Edward the VIIth (1905) and chaptered 41, a loan of \$15,000.00 was made by the said Corporation to The Durham Rubber Company, Limited, on the conditions in said By-law set out;

And whereas, under a certain By-law of the said Corporation numbered 695, duly passed and subsequently confirmed by the Act of the said Legislature above set out, a bonus of \$8,030.00 was granted and given to the said The Durham Rubber Company, Limited, on the conditions in said by-law set out.

And whereas, each of said By-laws took effect on the first day of September, 1905;

And whereas, the Company has with the consent and approval of the Council of the Corporation of the town of Bowmanville contracted with the said The Durham Rubber Company, Limited, for the purchase of all the capital stock of The Durham Rubber Company, Limited, on the distinct understanding and agreement that on the Company assuming the obligations of The Durham Rubber Company, Limited, as added to and amended herein, the Company shall be entitled to the benefits and privileges enjoyed by The Durham Rubber Company, Limited, under the By-laws above in part recited and referred to and those contained herein as well.

And whereas, The Durham Rubber Company, Limited, are the holders in fee simple of the following lands within the limits of the Corporation,—

All and singular that certain parcel or tract of land and premises situate, lying and being in the town of Bowmanville, in the County of Durham, a part of township lot number twelve in the first concession of the Township of Darlington, in the said County of Durham, located south of Queen Street in the said town of Bowmanville, and southerly and easterly of the lands at present occupied by the Bowmanville High School and described as follows: Commencing at the south-easterly angle of the lands occupied by the Bowmanville High School, being a point distant eight chains twenty-eight and a half links from Queen Street on the line of the easterly boundary of said High School; thence northerly along the easterly boundary of said High School lands two chains twenty-eight and a half links

to the south side of the street running easterly which intersects the street to the east of the said High School lands, which streets are shown on a plan of the town of Bowmanville prepared by J. H. Reid, P.L.S., and filed in June, 1893, in the Registry Office for the West Riding of the County of Durham; thence easterly along the southern limit of said street, which runs easterly five chains and twenty-two links; thence southerly on a line parallel with the line forming the easterly limit of said High School lands produced to the centre of a creek at low water; thence westerly following the sinuosities of the centre of said creek at low water to a point where the line of the westerly limit of the said High School lands, if produced, would intersect the centre of said creek at low water; thence northerly in a direct line to the south-westerly angle of the said High School lands two chains and fifteen and a half links more or less; thence easterly along the southerly boundary of the said High School lands four chains and twenty links more or less to the place of beginning, containing by admeasurement seven acres be the same more or less; on which there is placed buildings and plant and machinery, which were the property of The Durham Rubber Company, Limited, and plant and machinery the property of the Company independent of the said The Durham Rubber Company, Limited.

Now This Indenture Witnesseth, That the parties hereto do mutually covenant, promise and agree to and with each other in manner and form following, that is to say:—

1. The Company will forthwith after the passing of such By-laws as may be necessary for the due carrying out of this agreement acquire by a proper conveyance from The Durham Rubber Company, Limited, the lands in the recitals hereinbefore particularly described in fee simple subject to the mortgages now held on same by the Corporation.

2. The Company will forthwith after the passing of said By-laws and confirmation of same by the Legislative Assembly of the Province of Ontario, sign, seal, execute and deliver to the Corporation a mortgage on the lands above described for the sum of \$8,030.00 condition for payment of same without interest on the first day of September, 1925, and containing a covenant on the part of the Company that it will duly pay the said moneys to the said Corporation and such further and other covenants as are usually contained in a mortgage made in pursuance of The Short Forms of Mortgages Act, and will cause insurance to be effected and policies issued in some reputable insurance company to be approved of by the Corporation on said buildings, plant and machinery to the extent of \$8,000.00, and duly assign same to the Corporation and deliver said policies to the said Corporation, and will from time to time during the currency of the mortgage pay the premiums due on such insurance to keep it alive and effective and shall contain a proviso that the said mortgage shall be void on the Company performing all the conditions agreed upon on its part as contained in this agreement for the period between the coming into force of the By-laws to be passed as aforesaid and the first day of September, 1925, and said mortgage shall contain an agreement that if at any time the Company becomes bankrupt, insolvent, or makes an assignment for the benefit of its creditors, or an order is made by any Court of Justice in Ontario or elsewhere for the winding up of the Company, or causes or suffers any execution creditor under an execution to seize any property of the Company, or suffers a final judgment against the said Company to remain unsatisfied for a period of sixty days, or if said Company is not performing its obligations as herein defined, and continues to be in default for a period of 120 working days, or does not employ workmen and mechanics from the time of said By-laws coming into force until the said first day of September, 1925, who must be residents of the town of Bowmanville for a period in each year so that they do not receive an annual wage of \$39,000.00 as hereinafter specified, or if the said Company attempts to remove its business from the town of Bowmanville, then and in any of such cases the mortgage shall immediately become due and owing as to the whole \$8,030.00 and the Corporation may proceed as it may be advised to

realize

realize the amount so due and owing under the power of sale which is to be contained in said mortgage or under any other means available under said mortgage or may foreclose the equity of redemption of the said Company, its successors or assigns, in said property covered by said mortgage; and said mortgage shall be further conditioned that the said Corporation shall have access to the premises, books and papers of the Company to inspect same and determine whether the said Company is performing the conditions imposed upon it as hereinafter set out, and a refusal to permit the said inspection shall cause the said mortgage forthwith to become due and owing, and proceedings may be taken to realize upon same in manner as indicated. The said Company shall on request of the Corporation, and within twenty days after such request made, file with the Town Clerk of the Corporation a statutory declaration made by an officer of the Company resident within the Province of Ontario, who shall therein state his knowledge of the facts, proving that the Company has complied with all the terms, conditions and provisos of this agreement and those contained in said By-laws, and on the neglect of the said Company to furnish such declaration it shall be taken as conclusive proof that such terms, conditions and provisos have not been performed, observed and kept.

3. The Company will forthwith after the passing of said By-laws and confirmation of same by the Legislative Assembly of the Province of Ontario, sign, seal, execute and deliver to the Corporation a mortgage to secure the repayment to the said Corporation of \$11,250 on the lands above described and upon the plant and machinery now installed in the buildings on the premises, and all plant and machinery which may hereafter be acquired and placed on the premises during the currency of the mortgage, and all such plant and machinery which may be contained on any premises of the Company in the town of Bowmanville during the currency of the mortgage, and shall include all engines, motors, boilers, belting, shafting, to arrive on the premises, or which will be placed on the premises, during the currency of the mortgage, and shall be conditioned for re-payment in fifteen equal successive annual instalments of \$750.00 each without interest, the first of such payments to be made on the first day of September, 1911; and shall also give as further security for the said re-payment an assignment of insurance policies to the value of at least \$11,250.00 upon the property, plant and machinery of the Company in such insurance companies as the Corporation may direct, the premiums in respect of which shall be paid by the Company, and shall also give the covenant of the Company made on behalf of itself, its successors and assigns, for the re-payment of said sum of \$11,250.00 in the manner indicated for the payment of same; and said security is to be conditioned that if at any time the said Company becomes bankrupt, insolvent, or makes an assignment for the benefit of its creditors, or an order is made by any Court of Justice in Ontario for the winding up of the Company, or causes or suffers any execution creditor under an execution to seize the property of the Company, or suffers a final judgment against the said Company to remain unsatisfied for a period of sixty days, or if said Company is not performing its obligations as herein defined and continues to be in default in connection therewith for a period of 120 working days, or does not employ workmen and mechanics from the time of said By-laws coming into force until the said first day of September, 1925, as hereinafter set out, or if said Company attempts to remove its said business from the town of Bowmanville, then and in any of such cases the mortgage security shall immediately become due and owing as to the whole \$11,250.00, less any sums which may have been paid on same by the Company, and the Corporation may proceed as it may be advised to realize the amount so due and owing under the power of sale which is to be contained in said mortgage, or any other means available under said mortgage, or may foreclose the equity of redemption of the said Company, its successors and assigns, in said property covered by said mortgage; and said mortgage security shall be further conditioned that the said Corporation shall have access at

all times in business hours to the premises, books and papers of the Company to inspect same and determine whether the said Company is performing the conditions as imposed upon it as hereinafter set out and contained in said mortgage, and a refusal to permit such inspection shall cause the said mortgage to forthwith become due and owing, and proceedings may be taken to realize upon same in manner indicated. The said Company shall on request of the corporation, which may be given by a requisition signed by the Mayor of the Corporation enclosed in an envelope with postage prefixed and registered addressed to the Company at Bowmanville, and within twenty days after such request be given file with the Town Clerk of the Corporation a statutory declaration made by an officer of the Company resident within the Province of Ontario, who shall therein state his knowledge of the facts proving that the Company has complied with all the terms, conditions, and provisions of this agreement, and those contained in said By-laws, and on the neglect of the said Company to furnish such declaration it shall be taken as conclusive proof that such terms, conditions and provisions have not been performed, observed and kept.

4. All the property of the Company owned and held by it within the limits of the Corporation and used by it in connection with its business (not houses or residences occupied by any of its workmen or officers) shall be partially exempt from municipal taxation (save and except taxation for school rates) for a period from the first day of January, 1911, to the 31st day of December, 1925, to the following extent and amount, that is to say:—

Exemption of all the assessed value thereof over and above the sum of \$50,000.00 shall be entirely exempt from taxation, and the assessment of all said property of the Company shall be fixed, inclusive of the business tax, at \$50,000.00, for said term, upon which it shall pay taxation for school rates only; provided that the said exemption of property for taxation over the said sum of \$50,000.00 is granted subject to the performance and observance by the Company of the terms, conditions and stipulations made and entered into herein.

5. The Company agrees that it will continue and carry on from the first day of January, 1911, to the thirty-first day of December, 1925, (hereinafter called the "period") the manufacturing business now conducted by it and lately conducted by The Durham Rubber Company, Limited, and to as large an extent in volume, and will continuously employ in the branches or departments in the town of Bowmanville during the said period not less than 100 men or operators, exclusive of office help and officers or superintendents of the Company, save and except such periods of cessation or shutting down (not, however, to exceed one month in any calendar year) as are ordinarily incident to the nature of such business, and also save and except for such periods of shutting down as shall be caused by strikes of the Company's workmen in the departments or branches of its said manufacturing business, and strikes which affect the transportation of goods, or obtaining raw material, and will in each year of said period beginning on the day the By-laws to be passed hereunder are approved by an Act of the Legislature of the Province of Ontario pay in wages to its operators and workmen, exclusive of office help and officers or superintendents of the Company in the departments or branches of its said business, not less than \$39,000.

6. And that the Company will at all times during the said period insure and keep insured its said factory and buildings now erected or to be erected on said premises and the plant, machinery and fixtures situate and being thereon to their full insurable value, and if at any time during said period the said buildings, plant, machinery or fixtures shall be wholly or partially destroyed by fire, then and in any such event, and when and so often as the said event shall happen, the Company will at once proceed to rebuild and restore or repair said buildings, plant and machinery and fixtures so as to make the same suitable and available at the earliest reasonable time for the purposes of its said manufacturing business, and it will at

the

the earliest reasonable time resume its said manufacturing business on said site.

7. It is agreed that in case of a fire which shall render it impossible for the time being for the Company to continue its said manufacturing business in any or all of the departments thereof, then and if the said Company shall forthwith proceed to rebuild and restore the said buildings, plant and machinery and fixtures to their former condition of efficiency for the purpose of resuming and carrying on its said manufacturing business at the earliest practicable time, the Company shall be relieved *pro tanto* of its covenant as to payment of wages for the year of said period in which said fire may occur, and the amount of said wages for said year shall be estimated proportionately for the portion of such year during which the Company's factory could have been operated.

8. It is agreed that notwithstanding the partial exemption from taxation granted by this agreement and the By-laws to be submitted and passed and approved hereunder, the real and personal property of the Company shall during said period be annually assessed in the same manner as if the said By-laws had not been passed, and the taxes rated thereon shall be duly entered in the collector's roll of the said town of Bowmanville, but said taxes (save and except taxation for school rates) shall not be collected on any greater part of the said assessment than \$50,000.00, nor shall taxes be collected for school rates on any greater part of the said assessment than \$50,000.00, unless the Company shall have made default in the terms, provisions and stipulations of this agreement, in which case the whole of the said taxes shall become due and payable and may be collected by the corporation as if the said By-law had not been passed.

9. It is agreed that the auditors of the Corporation or any person or persons appointed by resolution of the Council of the said corporation for that purpose shall at any time during the months of January and February in each year have free access to the pay rolls of the Company for the purpose of ascertaining the amount paid in wages by the Company in all departments and branches of its manufacturing business during the year ending on the then preceding 31st day of December and the period of operation in all departments and branches of the Company's business during said preceding year.

10. It is agreed that if at any time during the said period the number of workmen and operatives employed by the Company in the departments or branches of its business hereinafter carried on in the buildings and premises to be so acquired by it shall fall below 100 in number (such reduction, however, not being at any one time more than 20) such reduction shall not be considered a violation of this agreement, provided that the number of workmen or operatives employed by it during the whole year shall maintain an average of 100 and earn and be paid the yearly wage amounting in all to \$39,000, each workman receiving the usual and ordinary pay for the service rendered.

11. It is agreed that the Corporation will apply to the Legislative Assembly of the Province of Ontario at the next session thereof for an Act to confirm said By-law or By-laws to be passed hereunder and this agreement.

12. It is also agreed between the parties that the said Company shall pay all fees, costs, charges and other expenses, including the legal charges, attendant upon this agreement, the By-laws to be prepared and submitted hereunder, the application for confirmation by the Legislative Assembly. It is also agreed that legal charges shall be limited to those of the counsel and solicitor who presents this agreement to the Council of the Corporation.

13. It is also agreed that the Council of the Corporation shall introduce, pass and give a second reading to the By-law necessary for the carrying out of this agreement and submit the same to the

vote

vote of the qualified ratepayers of the said Corporation at as early a date as it reasonably can, and on said By-laws receiving the proper number of votes of the properly authorized ratepayers of said Corporation the said Council will give said By-laws a third reading and duly pass same.

14. This agreement and the By-laws contemplated hereunder shall not be binding on the Corporation until the Legislative Assembly has by Act validated same.

15. On said contemplated By-laws being duly passed and confirmed by the Legislative Assembly of the Province of Ontario and said mortgages duly given by the Company to the Corporation to the satisfaction of the Corporation, the Mayor of the Corporation will over his signature and the seal of the Corporation discharge the property so to be acquired by the Company from The Durham Rubber Company, Limited, from the effect of the two mortgages it now holds on a portion of said property made by The Durham Rubber Company, Limited, to secure the same indebtedness and similar obligations.

IN WITNESS WHEREOF the proper officers of the Company have hereunto set their hands and affixed its corporate seal, and the Mayor of the Corporation has set his hand and caused to be affixed the seal of the Corporation.

(Corporate Seal.)

THE GOODYEAR TIRE AND RUBBER CO. OF CANADA,
LIMITED,

Per (Sgd.) C. H. CARLISLE,
Sec.-Treas.
(Sgd.) L. C. VANBEVER,
Vice-President.

(Seal of the Corporation.)

CORPORATION OF THE TOWN OF BOWMANVILLE,
(Sgd.) JOHN LYLE,
Clerk.
(Sgd.) JOHN J. MASON,
Mayor.

CHAPTER 83.

An Act respecting the Town of Brampton.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Municipal Corporation of the Town of Brampton has by petition represented that By-law No. 307 of the said Town was passed to provide for the Corporation's share of the cost of a system of common sewers proposed to be constructed under the local improvement sections of *The Municipal Act*; and that By-law No. 345, set out in Schedule "A" hereto, was duly passed to provide for assessing and levying upon property fronting upon or draining into the said sewers a uniform rate of one dollar per foot frontage, payable in thirty equal annual instalments of six cents each per foot frontage; and that the said rate of one dollar and six cents respectively were subsequently by By-law No. 358 reduced to eighty-five cents and five cents respectively; and that the said rate of eighty-five cents was subsequently by By-law No. 361 reduced to 83.89 cents; and that the said uniform rate of 83.89 cents was assessed and levied in respect of such portions of said sewers as were constructed in the years 1907 and 1908; and that certain further portions of the said sewers were constructed during the year 1910; and that it is proposed from time to time to construct further portions of the said sewers as the same may be required; and whereas doubts have arisen as to the legality of the said By-law No. 345 as amended, and the legality of continuing to assess and levy thereunder for sewers constructed during the year 1910 or to be hereafter constructed; and whereas the said Corporation by its petition has prayed that an Act may be passed validating and confirming the said By-law No. 345 as amended, and permitting the said Corporation to assess and levy in accordance with the said By-law No. 345 as amended, for sewers constructed during the year 1910 or to be hereafter constructed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 345 of the said Corporation of the Town of ^{By-law No. 345, as amended, confirmed.} Brampton, set out as Schedule "A" hereto, as amended by By-law No. 361, set out as Schedule "B" hereto, is hereby validated and confirmed.

2. The said Corporation is hereby declared to have power ^{Power to assess} to assess and levy in accordance with the said By-law No. 345 ^{for work done or to be done under By-law No. 345.} as amended for sewers constructed during the year 1910 or to be hereafter constructed in the said Town; and any and all by-laws that may hereafter be passed by the said Corporation for the issue of debentures for raising amounts assessable and leviable under the said By-law No. 345 as amended, shall be binding upon the said corporation and the ratepayers thereof.

3. The said Corporation may, from time to time, amend ^{Power to amend By-laws.} the said by-laws set forth in Schedules "A" and "B" to this Act, and may consolidate the said by-laws or any amendments from time to time made thereto, and may repeal the said by-law or any such amending or consolidating by-law as aforesaid.

4. Nothing in this Act shall be construed to confine the ^{Methods of assessment not binding.} said Corporation in levying and assessing the cost of sewers hereafter to be constructed in the said Town, to the method set forth in said By-law No. 345, as amended, or to prevent the said Corporation from constructing such sewers or assessing and levying therefor in accordance with any other method authorized by *The Municipal Act* and amendments thereto.

5. In case the amount so assessed and levied in re- ^{Application of surplus moneys.} spect of any particular portion of sewer, or in respect of the work constructed during any one year, shall exceed the cost of construction, the surplus, together with any other moneys held by the said corporation for sewer purposes, may be employed by the said corporation in meeting any deficiency which may arise by reason of the cost of other portions of sewer, or the work constructed in any other year exceeding the amount assessed and levied in respect thereof, or may be otherwise applied in defraying the expense of construction of septic tanks, or bacteria beds, or of extensions, improvements, alterations or repairs of sewers in respect of which no frontage rate is assessable or leviable under said By-law No. 345 as amended, or in meeting any deficiency that may arise in selling debentures for raising amounts assessable and leviable under the said By-law as amended.

SCHEDULE "A."

BY-LAW No. 345.

Respecting Frontage Assessment for sewers built as Local Improvements and to regulate Town Sewers.

Whereas it is desirable to provide a uniform frontage tax throughout the Town of Brampton for the construction of Street Sewers, and to provide an equitable mode of assessing corner lots;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Brampton as follows:—

1. That it is and may be lawful for the Council of the Town of Brampton to construct common sewers in such streets and lanes or highways of the said Town and through such private property in the said Town as said Council may deem necessary for sanitary purposes, or where such sewers are petitioned for or authorized under the local improvement laws, provided always that such street, lane or highway, or portion thereof, be so situated as to afford a proper and sufficient outlet for such sewers.

2. All sewers constructed as local improvements and all private house sewers shall be of such arrangement, form, size, material and construction, and the connections with other sewers shall be made in such manner and at such points and under such rules and regulations as the Council may upon the report of the Engineer of the Town from time to time prescribe.

3. Every owner of property which is drained into any of the common sewers and every owner of property in front of which a sewer is constructed as a local improvement shall pay a uniform tax of one dollar per foot frontage of property so drained to be assessed on each assessable foot of frontage property so drained. Such amount shall be paid in thirty equal annual instalments of six cents each per foot frontage, being a sum sufficient to pay both interest and principal for that amount, and the instalments shall be payable at the same time as ordinary taxes are payable to the Town, but the Treasurer may accept payment down of the amount, and such sum shall be levied and collected by a special rate against and upon the property assessed accordingly.

4. Any person or persons desirous of connecting his, her or their premises with any common sewer or of connecting it with any sewer for which the property has not been assessed, shall be assessed the same fixed frontage tax as if the sewers were constructed in front of the said property, and payments shall be made at the same time and in the same manner and for a like number of years as the payments along the sewer constructed, and shall be levied and collected accordingly.

5. Any property thus assessed for the privileges of connecting with any sewer shall be exempt from any assessment for any sewer constructed on the street in front of such property.

6. That corner lots shall be assessed for sewers constructed under by-laws for local improvements in the following manner:—

(a) Every corner lot shall be entitled to the exemption of one-half the total frontage thereof (on the two streets) not exceeding in any case seventy-five feet total exemption, which is to be allowed on the second street on which the sewer is constructed, but in case the frontage on the second street is less than seventy-five feet, a sufficient number of feet is to be exempted on the first street to make with the frontage on the second street a total of seventy-five feet, but in no case exceeding one-half of the frontage on both streets.

(b)

(b) In cases where corner lots are built upon on more than one side of the lot, each separate owner or tenement shall pay a frontage assessment as in paragraph "3," whether such tenement be on the front or side of the lot, but no such tenement shall pay for more than one street frontage, but shall be liable for one-half of the frontage on the two streets.

(c) If a corner lot is a triangular or irregular shaped piece of land or otherwise so situated so as to make a portion of the same unfit for building purposes, such allowance shall be made having due regard to the situation, value and superficial area of said lot, as compared with the adjoining lots or pieces of land as the Engineer may deem just and equitable.

(d) The term corner lot shall be understood to mean the corner premises at the intersection of streets without reference to lots as originally laid out.

7. The payments aforesaid shall be put on the Collector's Roll and collected with the other Town taxes against said respective properties.

8. That the cost of any sewer in excess of the total amount assessed on abutting properties shall be borne by the Town.

9. All sanitary sewers, storm sewers and drains belonging to the Town now laid down, constructed or built or hereinafter laid down, constructed or built, are to be under the direct control and management of the Town Engineer or other persons appointed for such purpose.

10. No person, firm or corporation shall injure, break or remove any portion of the sewer system or its appurtenances, or throw or deposit in any sewer opening or receptacle connected with the sewer system, any garbage, offal, dead animals, vegetable parings, ashes, cinders, rags or any other matter or thing except faeces, urine, the necessary closet paper, liquid house slops and such roof water as the sewerage committee may from time to time think proper.

11. No open gutter, cess-pool, privy vault, underground drain or exhaust pipe from any steam engine shall be connected with any sanitary sewer.

12. Private sewers and drains, stable yards, timber or wood drains may be connected with the storm sewers, and cellar drains may be connected with the sanitary sewers, but all such connections shall be made according to the rules and regulations prescribed and according to the directions of the Engineer, and not otherwise.

13. The Engineer or sewerage committee shall have the power to stop or prevent from discharging into the sewer system any private sewer or drain through which substances are discharged which are liable to injure the sewers or obstruct the flow of sewage.

14. This by-law shall come into force immediately upon the passing thereof.

15. Any person convicted of a breach of this by-law shall forfeit and pay at the discretion of the convicting magistrate or Justice of the Peace, a penalty not exceeding the sum of fifty dollars (\$50.00) for each offence, exclusive of costs, and in default of payment of such penalty and costs forthwith, or costs only, the said penalty and cost or costs only may be levied by distress and sale of the goods and chattels of the offender, and in case of there being no distress found out of which such penalty could be levied, the convicting magistrate or justice of the peace may commit the offender to the common gaol of the County of Peel with or without

hard

hard labor for any period not exceeding thirty days unless the said penalty and costs be sooner paid.

Read a first, second and third time and finally passed in open Council this 5th day of October, A.D. 1908.

JAMES GOLDING,
Mayor.

T. J. BLAIN (S.L.),
Clerk.

SCHEDULE "B."

By-Law No. 361.

A By-law to amend By-law No. 345, and to repeal or amend By-law No. 358 respecting frontage assessment for sewers.

Whereas by By-law No. 345 the frontage rate to be collected from the owners of property benefited by the construction of sewers for the share of such owners of the cost thereof was fixed at the sum of One Dollar per foot frontage to be collected by an annual rate of six cents per foot frontage for thirty years as mentioned therein.

And whereas by By-law No. 358 the said rate was reduced and was thereby fixed at the sum of eighty-five cents per foot frontage to be collected by an annual rate of five cents per foot frontage as mentioned therein.

And whereas an annual rate of five cents per foot frontage for thirty years will produce only 83.89 cents per foot frontage and it is desirable to reduce the said frontage rate to 83.89 cents per foot frontage.

Therefore the Corporation of the Town of Brampton by the Council thereof enacts as follows:—

1. That By-law No. 358 be and the same is hereby repealed.

2. That Section 3 of By-law No. 345 is hereby amended by striking out the words "One Dollar" in the fourth line thereof and by substituting therefor the figures and word "83.89 cents" in lieu thereof, and by striking out the word "six" in the sixth line thereof and by substituting the word "five" in lieu thereof.

Read a first, second and third time, and finally passed this twenty-first day of September, A.D. 1909.

JAMES GOLDING,
Mayor.

T. J. BLAIN (S.L.),
Clerk.

CHAPTER 84.

An Act respecting the City of Brantford.

Assented to 24th March, 1911.

WHEREAS, the Corporation of the City of Brantford Preamble.
 has by petition represented that Penmans, Limited, have entered upon the construction of an industrial plant for the manufacture of its products in that portion of the City of Brantford known as the Holmedale, relying upon the promise of the City of Brantford that it would endeavor to have a line of Street Railway to connect Holmedale with the City of Brantford constructed on or before December 15th, 1910; and that the Grand Valley Railway Company entered into an agreement with the City of Brantford to construct and complete said line of Railway, but has not yet built the same; and that the Corporation of the City of Brantford now desires power to build and operate said line of Railway, it being necessary to the successful operation of the manufacturing plant to be established as aforesaid, and that for the purpose aforesaid it is necessary that debentures of the Corporation of the City of Brantford be issued to pay the cost of same; and whereas, the Corporation of the City of Brantford has by petition further represented that certain By-laws of the said Corporation should be confirmed; and whereas, the Corporation of the City of Brantford has prayed that an Act may be passed for such purposes, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Council of the Corporation of the City of Brantford to pass By-laws for and to build, equip, maintain and operate a Street Railway from a point on Brant Avenue, where the same is intersected by Church Street, thence along Church Street to West Mill Street and along West Mill Street to a point opposite the Water Works plant of the said City of Brantford; and to lease the same

from

from time to time on such terms as may be determined on by the Municipal Council of the Corporation of the City of Brantford.

Issue of
debentures.

2. It shall be lawful for the Municipal Council of the Corporation of the City of Brantford to issue debentures for the purpose of raising sufficient moneys, not exceeding \$12,000 to build, equip and operate said line of Street Railway, and it shall not be necessary to submit a By-law therefor to the electors of the City of Brantford, and it shall be lawful for the said Municipal Council to levy an annual special rate to defray the yearly interest upon such debentures and to form a yearly sinking fund for the payment of the principal thereof within a period of not exceeding thirty years.

City to have
powers conferred by 3
Edw. VII.,
c. 19, s. 569.

3. The Corporation of the City of Brantford shall have and possess all the rights and powers in respect of the said Railway conferred upon Corporations under the provisions of Section 569 of *The Consolidated Municipal Act, 1903*, and amendments thereto.

By-laws
specified in
Schedule
"A" con-
firmed.

4. The By-laws of the Corporation of the City of Brantford respectively set out in Schedule "A" hereto and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

SCHEDULE "A."

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
1076	Debentures for the purpose of constructing a bridge on Market Street in the City of Brantford	April 11, 1910 ..	\$55,000	....	\$55,000	20 years	4½%
1079	Debentures for improvements in the Public Schools	April 11, 1910 ..	30,000	....	30,000	30 years	4½%
1093	Debentures for improvements in the Public Schools	May 30, 1910 ...	18,000	....	18,000	30 years	4½%
1122	Local Improvement Debentures, to defray the cost of certain concrete walks constructed during the year 1910	Dec. 23, 1910 ...	21,554	....	21,554	20 years	4½%
1123	Local Improvement Debentures to defray the cost of certain sanitary sewers, constructed during the year 1910	Dec. 23, 1910 ...	22,828	....	22,828	40 years	4%
1124	Local Improvement Debentures to defray the cost of certain storm sewers, constructed during the year 1910	Dec. 23, 1910 ...	48,614	\$25,839	22,775	20 years	4½%
1125	Local Improvement Debentures to defray the cost of certain permanent pavements with concrete curbs and gutters, constructed during the year 1910	Dec. 23, 1910 ...	58,691	21,817	36,874	15 years	4½%
1126	Local Improvement Debentures to defray the cost of certain permanent pavement, with concrete curb and gutter, constructed during the year 1910	Dec. 23, 1910 ...	24,594	8,063	16,531	10 years	4%
1127	Local Improvement Debentures to defray the cost of certain concrete curbs, constructed during the year 1910	Dec. 23, 1910 ...	393	....	393	10 years	4½%
1128	Local Improvement Debentures to defray the City's share of the cost of certain Local Improvements	Dec. 23, 1910 ...	83,285	29,880	53,405	10 years	4%
1131	Local Improvement Debentures to defray the City's share of the cost of certain Local Improvements	Dec. 30, 1910 ...	48,614	25,839	22,775	20 years	4%
1121	To provide for watering the streets of the City of Brantford and for the levying of special rates therefor	Dec. 15, 1910 ...	....	....	....	....	..

CHAPTER 85.

An Act to Annex Certain Lands to the Town of Bruce Mines.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Corporation of the Town of Bruce Mines was incorporated as a town by a proclamation of the Lieutenant Governor in Council, dated the 19th day of December, 1902, said proclamation having been issued under the provisions of *The Act to provide for the incorporation of Towns in Territorial Districts*; and whereas, by proclamation of the Lieutenant Governor in Council, dated the 31st day of March, 1909, certain lands in the Keating Location, forming part of the Township of Plummer Additional were annexed to the said town, but by mistake the lands were incorrectly described and doubts have also arisen as to the power of the Lieutenant Governor in Council to issue the proclamation, and it is desirable that the proclamation should be repealed; and whereas, since the incorporation of the Town of Bruce Mines, certain water lots have been patented to rate-payers within the Town of Bruce Mines, and certain docks have been constructed opposite to territory within the said Town of Bruce Mines; and whereas, owing to the description of the land comprised in the town by the proclamation dated the 19th of December, 1902, doubts have arisen as to whether these water lots and docks are included within the limits of the town; and whereas these docks and water lots are at present not being assessed by any municipality, and it is desirable that they should form part of the town, and that certain islands opposite the town should also be annexed to the town; and whereas, owing to the provisions of Section 12 of *The Consolidated Municipal Act, 1903*, The Ontario Railway and Municipal Board is of opinion that it has no jurisdiction to annex such docks and water lots and islands to the said town; and whereas the said corporation, by petition, has prayed that an Act may be passed for the above purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The municipality of the Town of Bruce Mines shall have its territorial jurisdiction as described in the proclamation of the Lieutenant Governor in Council, dated December 19th, 1902, extended, by having annexed to said municipality the following lands, that is to say: All and singular those certain parcels, portions and tracts of lands and premises situate, lying and being south of and opposite to the said town as described in the said proclamation dated December 19th, 1902, and consisting of islands in Lake Huron; land lying under the waters of Lake Huron, and that portion of the south half of lot number two, in the 3rd Concession of the Huron Copper Bay Company's (Keating Location) as shown on a plan of the said Keating Location registered in the Registry Office at Sault Ste. Marie, Ontario, as Plan No. 178, which is not included within the limits of the said town of Bruce Mines as described in the afore-mentioned proclamation dated December 19th, 1902; the said parcels, portions or tracts of land hereby to be annexed containing by admeasurement 1,450 acres more or less, and being more particularly described as follows, that is to say, commencing at the north-east corner of lot two, as shown on the plan of survey of the Town of Bruce Mines, the said plan being registered in the Registry Office at Sault Ste. Marie, Ontario, as Plan Number 5; thence south astronomically a distance of 96 chains, more or less, to the imaginary line described in the original patent from the Crown of the Cuthbertson Location, the said imaginary line being the southerly limit of the islands and parts of islands included in the original patent from the Crown of the said Cuthbertson Location; thence westerly along the said imaginary line and production thereof, a distance of 135 chains, more or less, to the southerly production of the line between lots two and three in the 3rd Concession of the Keating Location; thence northerly along the southerly production of the said line between lots two and three in the 3rd Concession of the said Keating Location, a distance of 82 chains more or less to the shore of Lake Huron; thence northerly along the line between the afore-mentioned lots two and three in the 3rd Concession of the Keating Location, a distance of 32 chains, more or less, to the south-west corner of the Town of Bruce Mines as described in the proclamation of the Lieutenant Governor in Council, dated December 19th, 1902; thence easterly along the southerly and westerly limits of the said Town of Bruce Mines, as described in the said proclamation dated December 19th, 1902, to place of beginning.

Annexation
of certain
lands to
Town of
Bruce
Mines.

2. The proclamation of the Lieutenant Governor in Council dated the 31st day of March, 1909, purporting to annex certain lands to the said town, is repealed, and this Act shall be read and construed as though passed on the 31st day of March, 1909.

Proclama-
tion of 31st
Mar., 1909,
repealed.

CHAPTER 86.

An Act respecting the Town of Chesley.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Municipal Corporation of the Town of Chesley has by its Petition represented that under and by virtue of a By-law of the said Corporation, numbered 420, passed on the 2nd day of October, 1906, intituled "A By-law to authorize the guaranteeing of the repayment of a loan to be negotiated by the Chesley Bedstead Company" (the said Company being composed of Arthur Garner and others), which said By-law received the assent of the electors of the said Town on the 2nd day of October, 1906, by a vote of 307 for and 23 against the said By-law, the said Corporation guaranteed under its Corporate Seal payment of two certain mortgages by said Arthur Garner and others dated the 14th of March, 1907, given to secure a loan negotiated by the said Company in the sums of \$5,000.00 and \$10,000.00 respectively, with interest at five per cent. per annum payable yearly, the principal being repayable within ten years as follows: the sum of \$1,500.00 principal in each of the years 1910, 1911, 1912, 1913, 1914, 1915, and the balance in the year 1916; and whereas by the failure of the said Company the guarantee of the said Municipal Corporation has become a liability of the said Municipal Corporation, and there is still due and payable thereon the sum of \$13,500.00 for principal with interest at five per cent. from the 31st day of December, 1910; and whereas the said Municipal Corporation has also by its said Petition represented that by an order, number 11861, dated the 3rd day of October, 1910, the Board of Railway Commissioners for Canada ordered a steel overhead bridge to be erected by the Grand Trunk Railway before the first day of May, 1911, at the South crossing of the Grand Trunk Railway in the Town of Chesley and ordered the said Town to pay fifteen per cent. of the cost of construction and twenty per cent. of the land damages, and that the estimated cost of the construction of the said overhead bridge is \$8,500.00 and of the land damages \$700.00, and that the share of the said Municipality in respect of the same is estimated to be \$1,397.00; And whereas the said

Town

Town Corporation has by its petition further represented that it has a floating indebtedness of \$1,449.43 necessarily incurred in the expenditure for installation of permanent waterworks over and above the amount realized by the debentures issued therefor; And whereas no provision has been made for the payment of the said liabilities; And whereas the amount of the rateable property of the said Town, according to the last revised assessment roll, is \$705,080.00, and the existing debenture debt is \$82,191.06, of which sum \$39,112.57 is for waterworks, \$10,553.19 for Public Schools and \$32,525.30 for local improvements; And whereas the said Municipal Corporation has by its petition further represented that to provide for the said liabilities would, in addition to meeting the ordinary annual expenses of the Municipality be unduly oppressive to the ratepayers, and it is prayed that authority be given to borrow the sum of \$16,500.00 and pass a By-law or By-laws without submitting same to the vote of the electors for issuing debentures not exceeding \$16,500.00 to discharge the liability under By-law 420, to provide for the Town's share of cost of the construction of the overhead steel bridge and land damage incident thereto ordered by the Dominion Railway Board, and to pay the floating debt of the said Corporation, and the said Municipal Corporation has by its petition prayed for the passing of an Act for the purpose aforesaid, and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Town of Chesley for the purposes of (a) discharging a certain liability of the said Municipal Corporation incurred under and by virtue of a By-law of the said Corporation, numbered 420, passed on the 2nd day of October, 1906, intituled "A By-law to authorize the guaranteeing of the repayment of a loan to be negotiated by the Chesley Bedstead Company," under which there is still due and payable the sum of \$13,500.00 and interest at five per cent. from the 31st day of December, 1910, and (b) providing the sum of \$1,397.00 toward the cost of a steel overhead bridge to be erected at the South crossing of the Grand Trunk Railway in the said Town of Chesley and the amount of damages incident thereto, and (c) paying the floating indebtedness of the said Corporation amounting to the sum of \$1,449.43, may borrow by special issue of debentures a sum not exceeding \$16,500.00. ^{Power to borrow \$16,500.}

2. The said Corporation, for the purpose aforesaid, may pass a By-law or By-laws for the issue of debentures under the Corporate Seal signed by the Reeve and Treasurer for the time ^{Issue of debentures.}

time being (or such other officers as the By-law may provide) in sums of not less than \$100.00 each and not exceeding in the aggregate \$16,500.00, payable at such places as the Corporation may deem expedient.

Term of
debentures.

3. The said debentures shall be made payable in not more than twenty years from the date of issue thereof, and shall bear interest at a rate not exceeding five per cent. per annum, and may be issued either with or without coupons attached thereto for interest, and shall be payable at such place or places as the Corporation may deem expedient.

Equal
annual
instalments
of principal
and interest.

4. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debts are to be discharged.

Special rate.

5. The said Corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application
of money
borrowed.

6. The sums hereinbefore authorized to be borrowed shall when raised be used for the respective purposes hereinbefore mentioned and for no other purpose.

Hypothecation
of
debentures.

7. The said Corporation may for the purposes herein mentioned raise money by way of loan on the said debentures or sell and dispose of the same as may be deemed expedient.

Assent of
electors not
required.

8. It shall not be necessary to obtain the assent of the electors of the Town of Chesley to the passing of any By-law or By-laws which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and amendments thereto, and any provisions in the Acts respecting Municipal Institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the By-law or By-laws to be passed by the said Corporation under the provisions of this Act.

3 Edw. VII.
c. 19.

Irregularity
in form
not to in-
validate.

9. No irregularity in the form of the said debentures or any of them, or of any By-law or By-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest

terest or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such By-law or issuing debentures, or as to the application of the proceeds thereof.

10. It shall be the duty of the Treasurer, for the time being, of the said Town, to keep, and it shall be the duty of each of the members from time to time of the said Municipal Council of the said Town to procure such Treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the said books of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any rate-payer of the said Town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

11. Any By-law to be passed under the provisions of this Act shall not be repealed until the debt created under such By-law and interest thereon is fully paid and satisfied.

12. The said Corporation may acquire by assignment of mortgage or otherwise a title to the mortgages hereinbefore referred to, and to the lands therein described and may hold, use, sell, alienate and convey the said lands under the powers contained in the said mortgages.

13. This Act may be cited as *The Town of Chesley Debenture Act, 1911.*

CHAPTER 87.

An Act to Confirm By-law 143 of the Town of Cobalt.

Assented to 24th March, 1911.

Preamble

WHEREAS the Municipal Corporation of the Town of Cobalt has petitioned praying that an Act may be passed validating and confirming By-Law Number 143 of the said Corporation set out in Schedule "A" hereto; and whereas before the final passing thereof the said By-Law was submitted to a vote of the ratepayers in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and was unanimously approved of by the ratepayers entitled to vote on the said By-Law; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No.
143, of town
of Cobalt
confirmed.

1. By-Law Number 143 of the Municipal Corporation of the Town of Cobalt set forth in Schedule "A" to this Act is confirmed and declared legal and binding upon the Municipal Corporation of the Town of Cobalt and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said Municipality to pass the By-Law and notwithstanding any defect in substance or in form of the said By-Law or in the manner of passing the same, and the said Corporation is hereby authorized and empowered to do all necessary acts for the fully and properly carrying out of the said By-Law.

Aggregate
rate may
exceed two
cents.

2. Notwithstanding anything contained in Section 402 of *The Consolidated Municipal Act, 1903*, the aggregate rate of two cents on the dollar in said section referred to, on the actual value of the whole rateable property in the Town of Cobalt, exclusive of school rates and local improvement rates, may be exceeded by the Municipal Council of the Town of Cobalt in making its annual levy for taxes in any or every year in which the special rate shall be levied as provided by paragraph 4 of the said By-law.

3.

3. Notwithstanding anything contained in Section 402 of *The Consolidated Municipal Act, 1903*, the aggregate rate of two cents on the dollar in said section referred to on the actual value of the whole rateable property in the Town of Cobalt, exclusive of school rates and local improvement rates, may be exceeded by the Municipal Council of the Town of Cobalt in making its annual levy for taxes in any or every year in which the special rate shall be levied as provided in Section 3 of the Act passed in the 8th year of His late Majesty's reign, Chaptered 73.

Aggregate rate under 8 Edw. VII., c. 73, s. 3, may exceed two cents.

BY-LAW NUMBER 143.

Being a By-Law to authorize the issue of debentures of the Town of Cobalt to the amount of fifty thousand Dollars for the purpose of completing the construction of a system of waterworks and sewerage for the Town of Cobalt.

Whereas it is advisable that the construction of a system of waterworks and sewerage for the Town of Cobalt should be completed as speedily as possible.

And whereas in order thereto it will be necessary to issue debentures of the Municipality of the Town of Cobalt for the sum of fifty thousand dollars as hereinafter provided, which is the amount of the debt intended to be created by this By-Law, the proceeds from the sale of the said debentures to be applied to the purpose aforesaid and to no other.

And whereas the total amount required by the Consolidated Municipal Act and by an Act respecting the Town of Cobalt, Statutes of Ontario, 8 Edward VII., to be raised annually by special rate, for paying for the said debt and interest, is the sum of seven thousand one hundred and sixty-four dollars and fifty-five cents, whereof the sum of fifteen hundred dollars is to be so raised semi-annually for the payment of the interest during the currency of the said debentures and four thousand one hundred and sixty-four dollars and fifty-five cents is to be raised annually for the purpose of creating a sinking fund for the payment of the debt secured by the said debentures.

And whereas it is proposed to pay the said annual amounts so levied on account of the said sinking fund to the Treasurer of the Province of Ontario to accumulate with interest at four per cent. per annum, compounded yearly until the time when the debentures to which the said sinking fund is applicable becomes payable and the said sinking fund is required for their redemption in pursuance of the provisions of the Ontario Municipal Securities Act, 1908, in that behalf.

And whereas the amount of the whole rateable property of the Town of Cobalt according to the last revised assessment roll thereof is one million four hundred and eighty-four thousand three hundred and twenty-two dollars.

And whereas there is an existing debenture debt of the said Municipality amounting to one hundred and twenty-six thousand dollars, no part of which is in arrears either for principal or interest.

Therefore the Municipal Council of the Corporation of the Town of Cobalt enacts as follows:—

1. The Municipal Council of the said Town of Cobalt shall expend the said sum of fifty thousand dollars in completing a system of waterworks and sewers for the said Town and for the purpose of raising the said sum, debentures of the said Town to the amount of

fifty

fifty thousand dollars as aforesaid in sums of not less than one hundred dollars each shall be issued on the first day of December, one thousand nine hundred and ten, each of the said debentures to be dated on the day of the issuing thereof and shall be payable on the thirty-first day of December, one thousand nine hundred and twenty, thereafter at the Canadian Bank of Commerce in the City of Toronto.

2. Each of the said debentures shall be signed by the Mayor of the Town of Cobalt or by some other person authorized by law to sign the same and by the Treasurer thereof of the Town of Cobalt, and the Clerk shall attach thereto the Corporate Seal of the Municipality.

3. The said debentures shall bear interest at the rate of six per cent. per annum, payable half yearly at the Canadian Bank of Commerce, Toronto, on the thirtieth day of June and the thirty-first day of December in each and every year during the currency thereof. Provided that the interest payable on the thirty-first day of December, 1910, shall be calculated from the date of the sale of the said debentures and shall be paid at the said rate out of the current funds of the Municipality.

4. During the currency of the said debentures there shall be raised annually by Special Rate on all the rateable property in the said Town of Cobalt the sum of seven thousand one hundred and sixty-four dollars and fifty-five cents for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in Schedule "A" hereto annexed.

5. Provided that out of each of the said sums of seven thousand one hundred and sixty-four dollars and fifty-five cents so levied annually the annual amounts of four thousand one hundred and sixty-four dollars and fifty-five cents levied on account of the sinking fund shall be paid by the Treasurer of the Municipal Corporation of the Town of Cobalt to the Treasurer of the Province of Ontario to accumulate with interest at four per cent. per annum, compounded yearly until the time when the debentures to be issued hereunder become payable and the said sinking fund is required for their redemption in pursuance of the Provisions of the Ontario Municipal Securities Act, 1908, in that behalf.

6. This By-Law shall take effect on and after the day of the final passing thereof.

7. The votes of the electors of the said Town of Cobalt shall be taken on this By-Law at the following times and places, that is to say: On Wednesday the thirty-first day of August, one thousand nine hundred and ten, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day by the following returning officers:—

Polling Sub-Division No. 1. Old Photograph Gallery, 29½ Cobalt Street. R. J. Jemmett, Deputy Returning Officer.

Polling Sub-Divisions Nos. 2 and 3. Town Hall, Deputy Returning Officer, R. L. O'Gorman.

Polling Sub-Division No. 4. Hassett Block, Lang Street. Deputy Returning Officer, Frank Kennedy.

Polling Sub-Divisions Nos. 5 and 6. Donegan Block, Lang Street. Deputy Returning Officer, P. J. Hart.

8. On Tuesday the thirtieth day of August, one thousand nine hundred and ten, the Mayor of the said Town of Cobalt shall attend at the Council Chambers at ten o'clock in the forenoon to appoint persons to attend at the Polling Places as aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of the said By-Law respectively.

9. The Clerk of the Council of the said Town of Cobalt shall attend at his office in the Council Chambers in the said Town of

Cobalt

Cobalt at eight o'clock in the afternoon of Wednesday the thirty-first day of August, 1910, to sum up the number of votes for and against this By-Law.

Dated at Cobalt this twenty-first day of September, 1910.

"R. L. O'GORMAN, *Clerk.*

"H. H. LANG, *Mayor.*

Seal of Corporation of Town of Cobalt.

NOTICE.

Take notice that the above is a true copy of the proposed By-Law which has been taken into consideration and which shall finally be passed by the Council of the Municipality of the Town of Cobalt, in the event of the assent of the Electors being obtained thereto after one month from the first publication in the *Cobalt Nugget*, the date of which publication was the ninth day of August, one thousand nine hundred and ten, and that the votes of the electors of the said municipality will be taken thereon on the day and at the hour and places therein fixed.

And further take notice that the name of any leaseholder on the last Revised Assessment Roll for the Town of Cobalt neglecting to file a Statutory Declaration at least ten days preceding the day of polling, in the office of the Clerk of the Town of Cobalt, stating that his lease meets with the requirements of section three hundred and fifty-four of the Consolidated Municipal Act, shall not be placed on the Voters' List for such voting.

(Signed)

R. L. O'GORMAN.

SCHEDULE "A."

Showing the semi-annual payments of interest on the Principal Sum of \$50,000.00 at 6 per cent. per annum. Also the annual investment of Sinking Fund calculated at 4 per cent., which will redeem this Principal Sum at the end of ten years.

	Interest 6%.	Sinking Fund.	Total Annual Levy.
1911. June 30th.....	\$1,500 00		
Dec. 31st.....	1,500 00	\$4,164 55	\$7,164 55
1912. June 30th.....	1,500 00		
Dec. 31st.....	1,500 00	4,164 55	7,164 55
1913. June 30th.....	1,500 00		
Dec. 31st.....	1,500 00	4,164 55	7,164 55
1914. June 30th.....	1,500 00		
Dec. 31st.....	1,500 00	4,164 55	7,164 55
1915. June 30th.....	1,500 00		
Dec. 31st.....	1,500 00	4,164 55	7,164 55
1916. June 30th.....	1,500 00		
Dec. 31st.....	1,500 00	4,164 55	7,164 55
1917. June 30th.....	1,500 00		
Dec. 31st.....	1,500 00	4,164 55	7,164 55
1918. June 30th.....	1,500 00		
Dec. 31st.....	1,500 00	4,164 55	7,164 55
1919. June 30th.....	1,500 00		
Dec. 31st.....	1,500 00	4,164 55	7,164 55
1920. June 30th.....	1,500 00		
Dec. 31st.....	1,500 00	4,164 55	7,164 55
	<u>\$30,000 00</u>	<u>\$41,645 50</u>	<u>\$71,645 50</u>

"R. L. O'GORMAN,"
Clerk.

"H. H. LANG,"
Mayor.

SEAL of Corporation
of Town of Cobalt.

CHAPTER 88.

An Act respecting the City of Fort William.

Assented to 24th March, 1911.

Preamble.

WHEREAS The Corporation of the City of Fort William has by petition represented that By-laws Numbers 833, 834 and 835 were each duly published for at least three successive weeks in a newspaper published at Fort William within five weeks prior to the day of voting thereon; that each of the said By-laws was submitted to the electors of the said city, entitled to vote on money by-laws on Wednesday, the 21st day of September, 1910, and the following was the result of the polling in respect of each of the said By-laws, namely:

By-law Number 833.....	286 votes in favor of and 142 votes against,
By-law Number 834.....	234 votes in favor of and 180 votes against,
By-law Number 835.....	284 votes in favor of and 137 votes against; that

each of the said By-laws was finally passed by the Council of the said City on Tuesday, the 27th day of September, 1910; and whereas, the said Corporation has by petition further represented that By-law Number 848, set forth in Schedule "B" to this Act was published for at least three successive weeks in a newspaper published at Fort William within five weeks prior to the day of voting thereon; that the said By-law was submitted to the electors of the said City entitled to vote on money By-laws at the General Municipal Elections held on Monday, the 2nd day of January, 1911; that 713 votes were polled in favor thereof and 459 votes against; that such By-law was finally passed by the Council of the said City on Tuesday, the 10th day of January, 1911; and that no application has been made to quash any of the said By-laws, nor is any action pending wherein the validity of any of the said By-laws is or may be called in question; and whereas, the said Corporation has by petition further represented that an Agreement was entered into between the

said

said Corporation and the Superior Rolling Mills Company, Limited, on the 7th day of November, 1910, providing for the substitution of the Agreement set forth in Schedule "B" to this Act in lieu of Schedule "A" to By-law Number 726 set forth as part of Schedule "A" to "An Act respecting the City of Fort William," passed in the tenth year of His late Majesty's reign, by the Legislative Assembly of the Province of Ontario; and whereas the said Corporation has by petition further represented that By-law Number 845 of the said City set forth in Schedule "C" to this Act was passed by the Council of the said City on the 10th day of January, 1911; that such By-law was duly registered and notice of the passing and registration thereof duly published according to law; that no application has been made to quash or set aside the said By-law, nor is any action pending wherein the validity of the said By-law is or may be called in question; and whereas the said Corporation has by petition further represented that the existing debenture debt of the said Corporation exclusive of the local improvement debenture debt amounts to \$2,757,340.17, made up as follows:

General Debenture Debt	\$934,155 26
School Debenture Debt	272,430 71
Street Railway Debenture Debt	372,500 00
Waterworks Debenture Debt	816,930 70
Electric Light Debenture Debt	187,323 50
Telephone Debenture Debt	174,000 00

in respect of which a sinking fund of \$421,737.71 has been provided; that the amount of the rateable property of the said Corporation, according to the last revised assessment roll, liable for the general taxation of the said Corporation is \$15,030,575.00, plus \$30,000 in cash paid by the Canadian Pacific Railway Company yearly, and that the amount of the rateable property of the said Corporation, according to the last revised assessment roll, liable to taxes for school purposes only is \$2,583,117.00; And whereas the said Corporation has, by petition, prayed for special legislation in respect of the above and other matters hereinafter set forth; And whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. (1) By-law Number 835 of the said City intituled ^{By-law 835 confirmed.} "A By-law to raise the sum of \$10,000 by way of debentures

tures

tures for the purpose of erecting a Public Bathing House in the City of Fort William," as set out in Schedule "A" hereto, is confirmed and declared to be a legal, valid and binding By-law of the said Corporation, and any and all debentures now issued or which may or shall hereafter be issued thereunder (when so issued) shall be legal and binding upon the said City Corporation and the ratepayers thereof.

(2) The Council of the said City may from time to time by By-law extend, improve, repair and maintain the said Bathing House.

Power to
levy \$10,000
for publicity
and indus-
trial ad-
vancement
purposes.

2. The Council of the said City may raise and levy upon the whole rateable property in the said City during the current municipal year a sum not exceeding \$10,000 for Publicity Purposes and for the Industrial Advancement of the City.

Agreement
with
Superior
Rolling
Mills
confirmed.

3. The Agreement set out in Schedule "B" to this Act is confirmed and declared to be legal, valid and binding upon the Corporation of the City of Fort William and the Superior Rolling Mills Company, Limited, respectively; and "An Act respecting the City of Fort William" passed in the 10th year of His late Majesty's reign, Chaptered 114, is amended by substituting as Schedule "A" to the said Act the amended agreement set forth in Schedule "B" to this Act. Provided, however, that the same is submitted to the electors of the City entitled to vote on money By-laws in the same manner as a money By-law requiring the assent of such electors and approved by three-fifths of such electors actually voting on such By-law.

Interest
and sink-
ing fund
under By-
laws 833,
834.

4. The interest and sinking fund, required to be levied under and pursuant to By-laws Numbered 833 and 834 and intitled "A By-law to raise the sum of \$13,000 by way of debentures for the purpose of purchasing certain lands for a Public Park," and "A By-law to raise the sum of \$11,250 by way of debentures for the purpose of purchasing certain lands at the corner of Vickers and Dease Streets for a Public Park," respectively, shall not be included in or deemed to form part of the half mill rate authorized to be levied for park purposes under "*The Public Parks Act.*"

7 Edw. VII.,
c. 66, s. 20,
amended.

5. Section 20 of "An Act to incorporate the City of Fort William and for other purposes," passed in the Seventh year of His late Majesty's reign, chaptered 66, is amended by striking out the figures "11" in the fourth line thereof and substituting therefor the figures "15."

Power to
borrow
street

6. The Council of the said City may, without obtaining the assent of the electors thereto, from time to time issue debentures

debentures payable within such period of years (not exceeding twenty years) from the date of issue thereof and bearing interest at such rate as such Council deems meet for the purpose of raising the Street Railway's proportion of the cost of all paving and macadamizing already or hereafter to be done on streets where the Street Railway is now or may hereafter be constructed.

railway's part of cost of paving and macadamizing.

7. By-law Number 845 of the said City intituled "A By-law to raise the sum of \$20,000 by way of debentures for the purpose of taking care of a portion of the cost of paving Victoria Avenue and Simpson Street," as set out in Schedule "C" hereto, is confirmed and declared to be a legal, valid and binding By-law of the said Corporation, and any and all debentures now issued or which may or shall hereafter be issued thereunder (when so issued) shall be legal and binding upon the said City Corporation and the ratepayers thereof.

By-law 845 confirmed.

8. The Council of the said City may aid and assist by annual money grant or otherwise the advertisement and settling of the vacant lands in the District of Thunder Bay, and also aid and assist any Farmers' Institute or similar institution in the District of Thunder Bay by annual money grant or otherwise as the Council may deem expedient.

Power to grant money to advertise vacant lands in Thunder Bay, and to assist Farmers' Institutes.

9. (1)—The owners of all lands, from time to time, abutting on a highway, lane or public place, where a common sewer is constructed, shall connect such common sewer by a private sewer connection with each and every building situate on such lands occupied by any person, office or business, including restaurants and laundries, and such owners shall also instal and connect up to such private sewer connection a proper and sanitary sink and closet in the case of laundries, restaurants and dwellings, and otherwise a closet only in accordance with the plumbing regulations in that behalf.

Private sewer connections.

(2)—In default of such owners complying herewith within thirty days after receiving notice so to do, the Council may construct such private sewer connection and instal and connect up such sink and closet and charge the cost thereof to the owners of the respective properties to which such sewer connections are made or in respect of which such sink and closet are installed and connected up, and the Council may also close from use all buildings in respect of which default has been so made until the provisions hereof have been fully complied with.

Neglect of owner to construct.

(3) The Council may spread such cost with the estimated interest thereon over a period of five years; and such cost thereof

Cost to form charge on lands.

thereof and interest shall form a charge upon such lands, and may be levied against and upon the lands to which such connection is made or in respect of which such sink and closet are installed, and may be placed upon the collector's roll against the same and collected as ordinary taxes and such charges may be commuted at any time.

Length of
sewer
connections.

(4)—The length of all such private sewer connections shall be calculated from the centre of the street upon which is situated the sewer to which connection is being made.

Power to
issue de-
bentures.

(5)—The Council may, without obtaining the assent of the electors thereto, borrow on the credit of the said Corporation all sums of money which may, from time to time, be required to put in such private sewer connections and plumbing or either, and issue debentures of the said Corporation therefor, payable within five years from the date of issue thereof, and bearing interest at such rate as the Council deems meet, which debentures may be purchased by the City in the same manner as Local Improvement Debentures.

SCHEDULE "A."

CITY OF FORT WILLIAM, BY-LAW NO. 835.

A By-law to raise the sum of \$10,000.00 by way of debentures for the purpose of erecting a Public Bathing House in the City of Fort William.

Whereas the Council of the City of Fort William is of the opinion that the sum of \$10,000.00 should be raised by way of debentures and expended for erecting a public bathing house;

And whereas the said sum of \$10,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said city of Fort William, according to the last revised assessment roll, is \$11,430,146, plus a sufficient further amount to produce \$30,000 in taxes in each year, such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation;

And whereas the existing debenture debt of the said city, exclusive of the local improvement debentures, amounts to \$2,585,491.16, made up as follows:

Street Railway Debenture Debt.....	\$387,553 50
Waterworks Debenture Debt.....	772,407 38
Electric Light Debenture Debt	186,829 33
Telephone Debenture Debt.....	174,000 00
General Debenture Debt.....	1,064,700 90

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$308,088.93 has been provided;

And whereas in order to provide for the said debt, it is expedient to issue debentures of the said Corporation to the amount of \$10,000 bearing interest at four and one-half (4½) per centum per annum;

And whereas it will require the sum of \$450.00 to be raised annually for a period of twenty years (the currency of the debentures

tures

tures to be issued under and by virtue of this By-law) to pay the interest on the said debt, and the sum of \$372.16 to be raised annually during the said period for the payment of the said debt intended to be created by this By-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due and payable, making in all the sum of \$822.16 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$822.16 to be raised annually for a period of twenty years by a special rate on the whole rateable property in the said city for the payment of the said debt and interest as aforesaid;

Therefore the Corporation of the City of Fort William, enacts as follows:

1. It shall and may be lawful for the said Corporation and it is hereby empowered to borrow the said sum of \$10,000 on the credit of the said Corporation for the purposes aforesaid and to issue debentures of the said Corporation to the sum of \$10,000 in sums of not less than \$100.00 each, payable within twenty years from the date of issuing such debentures and to bear interest at four and one-half per centum per annum, payable half-yearly.

2. The said debentures shall bear date as of the day of issue thereof and shall be signed by the Mayor and Treasurer thereof and sealed with the corporate seal.

3. During the said period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said city, in addition to all other rates, levies and assessments, the said sum of \$450.00 to pay the interest on the said debentures and also the further sum of \$372.16 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$822.16 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Bank of Montreal, Toronto, Canada; and the Bank of Montreal, London, England.

5. Every debenture to be issued hereunder shall contain a provision in the following words, "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable, except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William" or to like effect.

6. This By-law shall come into force on the day of the final passing thereof.

7. That the votes of the electors of the said Municipality entitled to vote on this By-law shall be taken on Wednesday, the 21st day of September, 1910, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day, as follows:—

WARD I.

Polling Sub-Division No. 1, at 530 McTavish Street, with J. H. Cooper as Deputy Returning Officer, and Joseph Miller as Poll Clerk.

Polling Sub-Division No. 2, at 638 McTavish Street with John Cooper, jr., as Deputy Returning Officer and John Tiboni as Poll Clerk.

Polling

Polling Sub-Division No. 3, at Presson Block, Simpson Street, with Gilbert Hartley as Deputy Returning Officer, and Fred Hartley, Poll Clerk.

Polling Sub-Division No. 4, at Drew Street School, with L. L. Peltier, Jr., Deputy Returning Officer, and John Antrobus, Poll Clerk.

WARD II.

Polling Sub-Division No. 1, at T. Weigand's Store, corner Bethune and Hardisty Street, with S. F. Flatt as Deputy Returning Officer and W. H. Wallace, Poll Clerk.

Polling Sub-Division No. 2, at Sample Rooms at the rear of Avenue Hotel with P. L. Gavin as Deputy Returning Officer and Roy Snelgrove, Poll Clerk.

Polling Sub-Division No. 3, at the City Hall, with E. C. Frissell as Deputy Returning Officer and E. Thompson as Poll Clerk.

Polling Sub-Division No. 4, at Mrs. Mapledoram's house, lot 291 Wiley Addition, with M. W. Bridgman as Deputy Returning Officer and W. Boreham, as Poll Clerk.

WARD III.

Polling Sub-Division No. 1, at Anderson's Plumbing Shop, with F. V. O'Hagan, Deputy Returning Officer and G. Murphy, Poll Clerk.

Polling Sub-Division No. 2, at the High School, Isabella Street, with J. R. Wells, Deputy Returning Officer and Howard Rowand, Poll Clerk.

WARD IV.

Polling Sub-Division No. 1, at Mount McKay Club, with A. McKenzie, Deputy Returning Officer and R. Postans, Poll Clerk.

Polling Sub-Division No. 2, at Ward 4 Fire Hall, with G. W. Game as Deputy Returning Officer and Howard Traxler, Poll Clerk.

8. That on Saturday, the 17th day of September, 1910, at the hour of ten o'clock in the forenoon the Mayor of Fort William will attend at the office of the City Clerk for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled by this By-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

9. That on Thursday, the 22nd day of September, 1910, at the hour of ten o'clock in the forenoon, at the Office of the Clerk of the City of Fort William, the Clerk of the said City will proceed to sum up the number of votes given for and against this By-law.

Given under the Corporate Seal of the City of Fort William as witnessed by the Hands of its Mayor and Clerk this 27th day of September, 1910.

THE CORPORATION OF THE CITY OF FORT WILLIAM,

Per L. L. PELTIER, *Mayor*.

Per A. McNAUGHTON, *Clerk*.

SCHEDULE

SCHEDULE "B."

Memorandum of agreement made in triplicate the 7th day of November, in the year of Our Lord One Thousand Nine Hundred and Ten:

BETWEEN:

The Corporation of the City of Fort William (hereinafter called the City) of the First Part,

--and--

Superior Rolling Mills Company, Limited (hereinafter called the Company) of the Second Part.

Whereby the Company and the City mutually covenant, promise and agree each with the other of them as follows:

1. That the agreement made and entered into between the City and the Company, dated the 26th day of January, 1910, and set forth as Schedule "A" to By-law Number 726, of the City of Fort William as part of Schedule "A" to "An Act respecting the City of Fort William," passed in the Tenth year of his late Majesty's reign by the Legislative Assembly of the Province of Ontario, be and the same is hereby amended to read as follows:—

Memorandum of Agreement made in duplicate, this 26th day of January, 1910, between The Corporation of the City of Fort William (hereinafter called the City) of the First Part and Superior Polling Mills, Company, Limited, a body corporate, duly incorporated, and having its head office and principal place of business in the City of Fort William, and herein acting and represented by Herbert S. Holt, of the City of Montreal, in the Province of Quebec, its Vice-President, and George A. Coslett, of the City of Fort William, its Secretary-Treasurer, duly authorized for the purposes hereof (hereinafter called "the Company") of the Second Part.

Whereas the Company is contemplating the establishment of a Wire and Nail Works in the said City of Fort William, and the said City has offered to assist the said enterprise by granting to the Company certain lands in fee simple and making other concessions.

Now, therefore, this Agreement witnesseth:

1. In consideration of the covenants and agreements on the part of the City herein contained the Company covenants and agrees with the City as follows:—

(a) That the Company will forthwith deposit with the City a certified cheque for the sum of Five Thousand Dollars (\$5,000) as security for the due observance by the Company of the provisions of Clause (b) of this paragraph, said certified cheque to be returned to the Company on the terms hereinafter stated and not otherwise.

(b) The Company will immediately upon ratification of this agreement by the Legislative Assembly of the Province of Ontario, deposit with the City a further certified cheque for the sum of Twenty Thousand Dollars (\$20,000), and on the first day of May, 1911, weather permitting, begin the erection of and within eighteen months thereafter complete upon lands within the City of Fort William and cause to be properly equipped all necessary and proper buildings, plant, machinery, wharves, docks and tracks for the purpose of carrying on a modern and up-to-date wire and nail manufacturing business on the property aforesaid, and particularly for the manufacture of wire and nails, and such other products of iron, wood and steel as the Company may determine. Said plant

and works shall have a daily capacity (in twenty-four hours) of not less than twenty-five tons of manufactured products and the capacity thereof shall be increased from time to time as the condition of the Western trade warrants. The erection and equipment of the said plant shall cost not less than Seventy-five Thousand Dollars (\$75,000).

In the event of the Company depositing the said Twenty Thousand Dollars as above, it will, at the same time, pay to the City as and for the use and benefit of the City, the sum of One Thousand Dollars to cover the costs of the City in connection with submission of By-law to ratepayers, etc.

(c) The Company will, during the period of fifteen years from the completion of the said works, accidents and other circumstances beyond their control excepted, operate the said works and Plant to the fullest extent that the state of the trade will permit, and that it will in such manufacture employ and keep employed in the said City in each and every year of the said period of fifteen years a sufficient number of men to operate the said Plant and works as aforesaid.

(d) All fire insurance placed or held by the Company upon any of its property situated in the City of Fort William shall be placed with the local agents, residing and carrying on business in Fort William, of the different companies.

(e) All men employed in and about the said works, and the operation thereof shall reside, and continue to reside during the course of such employment in the City of Fort William.

(f) All men engaged by the said Company, or employed in or about the said works of manufacture, or employed by any contractor or sub-contractor or otherwise in the erection or operation of such plant and works, shall be paid in cash in the City of Fort William, or by cheque in some bank in the City of Fort William.

(g) The Company is to have its offices in connection with its Western business at the City of Fort William.

In consideration whereof the City covenants and agrees with the Company as follows:—

(a) The City will and does hereby exempt all the Company's property situated upon and including the lands herein described or other site within the City of Fort William which the Company may substitute therefor (not exceeding twenty-five acres) which is used in connection with and solely for the purpose of such manufacture, including the raw material therefor and the products thereof, from all general municipal taxation of the City, excepting school taxes and local improvement rates, for so long of the period of fifteen years, commencing with the year 1912, as the Company shall fully comply with the terms and conditions of this Agreement as herein set forth. The intention being that all dwelling houses or other buildings used and occupied as dwellings, which may be situated upon the lands exempted hereunder, shall be liable to the general assessment and taxation of the City and shall not be covered by the above exemption.

(b) Time to be of the essence of this Agreement.

(c) The City will, in the event of the ratepayers and or the Legislature not approving of this Agreement, return forthwith to the Company the amount of its deposit, together with Savings Bank interest thereon during the time such deposit shall remain in the hands of the City.

(d)

(d) That in the event of this Agreement being ratified by the Legislature, as aforesaid, and the Company depositing the further prescribed security and proceeding with the erection of the said works and plant as herein agreed, the City will return the said deposit of Twenty-five Thousand Dollars when and so soon as the Company shall have completed and commenced to operate the said buildings, plant, machinery and works as aforesaid, with interest as specified in paragraph 2, clause (c).

(e) That the City will, upon the deposit of the said prescribed deposits, aggregating \$25,000 (being the present value of such lands) with the City as aforesaid, grant, convey and assure unto the Company in fee simple, free from all encumbrances, all and singular that part of lots numbered nine (9) and ten (10) in the First Concession of the Township of Neebing, north of the Kaministiquia River, now in the said City of Fort William, described as follows:—

Commencing at a point on the south limit of Montreal Street, as recently established, distant west nine hundred (900) feet from Mountain Avenue; thence west following the south limit of said Montreal Street five hundred and twenty-six feet (526) to a point; thence south parallel with the east limit of said lot ten (10) to the northerly shore of the Kaministiquia River; thence easterly and following the northerly shore of the Kaministiquia River to the property of the Canada Iron Corporation, being a point on the said Kaministiquia River lying due south of the place of beginning; thence north to the place of beginning, together with the water lot on the Kaministiquia River patented by the Crown and now belonging to the party of the First Part, lying immediately south of the property above described, all of which contains by estimation, ten (10) acres, more or less.

(f) Without limiting the liability of the Company or the remedies of the City hereunder the Company shall forfeit and pay to the City as liquidated damages in each and every year of the period of fifteen years hereinbefore fixed for the operation of the said works in which a default is made by the Company in operating the works as aforesaid, the sum of \$2,469.16, being the amount which would be required to be levied annually to provide the interest and sinking fund on a fifteen year debenture for \$25,000 at four and one-half (4½) per centum per annum; and the city shall be entitled to a charge on the said lands for all amounts which the Company shall become liable to forfeit and pay under this paragraph.

(g) This Agreement shall extend to and be binding upon and extend to the successors and assigns of the Company and the City respectively.

(h) This Agreement shall not come into force and effect until validated and confirmed by the Legislative Assembly of the Province of Ontario at its next Session and until and unless so confirmed shall have no force or effect.

In witness whereof the corporate seal of the said Company and City respectively, and the hands of their proper officers in that behalf.

Signed, sealed and delivered in the presence of

THE CORPORATION OF THE CITY OF FORT WILLIAM

Per (Sgd.) WM. T. RANKIN, *Acting Mayor*.

(Sgd.) A. McNAUGHTON, *Clerk*.

(Seal).

SUPERIOR ROLLING MILLS COMPANY, LIMITED,

(Sgd.) H. S. HOLT, *Vice-President*.

(Sgd.) GEORGE A. COSLETT, *Secretary-Treasurer*.

3. An application shall be made to the Legislative Assembly of the Province of Ontario for permission to substitute the Agreement amended as above in lieu of the Agreement at present set forth as Schedule "A" to By-law Number 726 in Schedule "A" to the said Act.

4. This Agreement shall not come into force and effect until validated and Confirmed by the Legislative Assembly of the Province of Ontario at its next session and until and unless so confirmed shall have no force or effect.

In witness whereof the Corporate Seal of the said Company and City respectively, and the hands of their proper officers in that behalf.

Signed, sealed and delivered in the presence of

W. T. RANKIN, *Acting Mayor*.

(Corporate seal of City).

A. McNAUGHTON, *City Clerk*.

SUPERIOR ROLLING MILLS COMPANY, LIMITED,

H. S. HOLT, *Vice-President*.

(Corporate seal of Company).

G. A. COSLETT, *Secretary-Treasurer*.

SCHEDULE "C."

BY-LAW No. 845.

CITY OF FORT WILLIAM.

A By-law to raise the sum of \$20,000 by way of debentures for the purpose of taking care of a portion of the cost of paving Victoria Avenue and Simpson Street.

Whereas Simpson Street and Victoria Avenue, between Dease Street and Syndicate Avenue have been paved as a Local Improvement;

And whereas the Street Railway on that portion of Victoria Avenue and Simpson Street has been double tracked under and pursuant to an agreement made between the Cities of Port Arthur and Fort William as set forth in Schedule "B" to *An Act respecting the City of Fort William*, passed in the eighth year of His late Majesty's Reign by the Legislative Assembly of the Province of Ontario;

And whereas the Street Railway's proportion of the said paving has been ascertained and determined at the sum of \$20,000;

And whereas the said sum of \$20,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll is, \$11,430,146.00, plus a sufficient further amount to produce \$30,000 in taxes in each year, such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all Municipal taxation;

And whereas the existing debenture debt of the said City, exclusive of the local improvement debentures, amounts to \$2,585,491.16, made up as follows:

Street

Street Railway Debenture Debt	\$387,553 50
Waterworks Debenture Debt	772,407 38
Electric Light Debenture Debt.....	186,829 38
Telephone Debenture Debt	174,000 00
General Debenture Debt	1,064,700 90

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$308,088.93 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said Corporation to the amount of \$20,000, bearing interest at four and one-half per centum per annum;

And whereas it will require the sum of \$900.00 to be raised annually for a period of fifteen years (the currency of the debentures to be issued under and by virtue of this By-law) to pay the interest on the said debt, and the sum of \$1,075.34 to be raised annually during the said period for the payment of the said debt intended to be created by this By-law, such last mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes due and payable, making in all the sum of \$1,975.34 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$1,975.34 to be raised annually for a period of fifteen years by a special rate of the whole rateable property, in the said City, for the payment of the said debt and interest as aforesaid;

Therefore the Corporation of the City of Fort William enacts as follows:—

1. It shall and may be lawful for the said Corporation and it is hereby empowered to borrow the said sum of \$20,000 on the credit of the said Corporation for the purposes aforesaid and to issue debentures of the said Corporation to the sum of \$20,000 in sums of not less than \$100.00 each, payable within fifteen years from the date of issuing such debentures and to bear interest at four and one-half per centum per annum, payable half-yearly.

2. The said debentures shall bear date as of the day of issue thereof, and shall be signed by the Mayor and Treasurer thereof and sealed with the Corporate Seal.

3. During the said period of fifteen years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City, in addition to all other rates, levies and assessments, the said sum of \$900.00 to pay the interest on the said debentures and also the further sum of \$1,075.34 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$1,975.34 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Bank of Montreal, Toronto, Canada; and the Bank of Montreal, London, England.

5. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable, except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William," or to like effect.

6. This By-law shall come into force on the day when the same is approved by the Legislative Assembly of the Province of Ontario, and unless and until so approved shall have no force or effect.

Given under the Corporate Seal of the Corporation of the City of Fort William, and the hands of its Mayor and Clerk, this 22nd day of December, 1910.

THE CORPORATION OF THE CITY OF FORT WILLIAM

(Seal)

(Sgd.) L. L. PELTIER, *Mayor*

(Sgd.) A. McNAUGHTON, *Clerk.*

CHAPTER 89.

An Act to confirm By-law No. 519 of the Town
of Gananoque.*Assented to 24th March, 1911.*

WHEREAS the Municipal Corporation of the Town of Gananoque has, by petition, represented that the manufacturing plant of The Ontario Wheel Company, Limited, situate at the Town of Gananoque, was almost completely destroyed by fire on the 3rd of November, 1910; and that such Company have on two previous occasions sustained heavy losses by fire; And whereas at a public meeting of the ratepayers of the Town of Gananoque, held on the 13th November, 1910, convened by the Mayor and largely attended, a resolution was unanimously passed by which it was agreed that if The Ontario Wheel Company, Limited, should rebuild their said factory and plant at the Town of Gananoque and should agree to carry on their manufacturing business at the Town of Gananoque for the term of ten years, said Town of Gananoque would exempt the property of The Ontario Wheel Company, Limited, in the Town of Gananoque, from municipal taxation, not including school taxes and taxes for local improvements for a term of ten years; and whereas relying on said resolution, The Ontario Wheel Company, Limited, have rebuilt their said factory and have installed therein a valuable plant and machinery and will shortly resume manufacturing at the Town of Gananoque; that the said Corporation in pursuance of said agreement passed a By-law, numbered 519, for the purpose of carrying out of said agreement, a copy of which By-law is contained in Schedule "A" hereto; and whereas the said By-law before it was finally passed was, on the 2nd day of January, 1911, submitted to the electors entitled to vote on Bonus By-laws, when out of 728 ratepayers entitled to vote 329 voted in favour of said By-law, and 137 against the same; and whereas there is no other industry of a like character in the said town; and whereas by its said petition, the said town has prayed that an Act be passed to ratify and confirm said By-law; and whereas no

opposition

opposition has been offered to said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

By-law
No. 519,
of Town of
Gananoque
confirmed.

1.—By-law Number 519 of the Town of Gananoque, set out in Schedule "A" to this Act, is confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof.

SCHEDULE "A."

BY-LAW NO. 519.

A By-law to exempt the property known as The Ontario Wheel Company, Limited, from municipal taxation for a period of ten years.

Whereas the Ontario Wheel Company, Limited, have carried on a large manufacturing business at the Town of Gananoque for over twenty years, and have continuously employed a large number of men;

And whereas such company have recently sustained a heavy loss owing to the partial destruction of their said property by fire;

And whereas the said Company are desirous of immediately rebuilding their factory, equipping the same with an up-to-date plant, and of resuming their manufacturing business as heretofore, and have applied to the Council of the Corporation of the Town of Gananoque for aid, by way of bonus, by total exemption from municipal taxation (save and except taxation for School Purposes, Local Improvements, Water Rates and Street Watering), of all their property, Real and Personal, in the Town of Gananoque, including Business Tax, for the term of ten years.;

And whereas said Ontario Wheel Company, Limited, agree to carry on their business as manufacturers at Gananoque during the term of said exemption, to employ in each year on an average not less than 35 hands, and to pay out in wages not less than \$15,000.00 per annum for a period of ten years from 1st January, 1911.

And whereas the Council deem it expedient in the interests of this municipality and its citizens, that the said aid by way of exemption should be granted to the Ontario Wheel Company, Limited;

Therefore the Council of the Corporation of the Town of Gananoque enacts as follows:—

1.—That all the Real and Personal property now or during the term of ten years from 1st January, 1911, owned by The Ontario Wheel Company, Limited, in the said Town of Gananoque, consisting of Town Lots Numbers 1013, the northerly half of Town Lot Number 599, and Town Lots Numbers 601, 603, 605, 607 and 609 on the west side of the Gananoque River, in the Town of Gananoque, in the County of Leeds and Province of Ontario, according to Beatty and Saunders registered plan of the Town of Gananoque, and all erections, plant, machinery, stock and personal property, now or hereafter erected or placed thereon, shall be exempt from Municipal Taxation, except School Taxes, Local Improvements, Water Rates and Street Watering, for a period of ten years from the 1st January, A. D. 1911.

2.—Such exemption shall not apply in respect of any year in which The Ontario Wheel Company shall not continue to carry on business as manufacturers in the Town of Gananoque, and employ
on

on an average 35 hands and pay out in wages the sum of \$15,000.00 per annum.

3.—The Council are to have the right to appoint one or more officials, who shall have the right to examine the books of said Company, in order to ascertain that such number of hands are being employed on an average and that the said sum of \$15,000.00 is paid out annually in each year of said term of ten years.

4.—In the event of the failure of said Company to carry out said undertakings to employ on an average 35 hands or to pay out in wages not less than \$15,000.00 in each year of said term, said exemption shall be inoperative in any such year and said Council shall have the right to levy on said property for Municipal Taxes as though this By-law had not been passed.

5.—This By-law shall come into force on the day of the final passing thereof.

6.—The votes of such of the electors of the said Town of Gananoque as are legally entitled to vote thereon shall be taken on Monday, the 2nd day of January, 1911, commencing at the hour of nine o'clock in the morning and continuing till five o'clock in the afternoon, at the following places, and by the Deputy Returning Officers and Poll Clerks hereinafter mentioned, that is to say:—

Polling Sub-division Number One, West Ward.—At the residence of Theodore Parmenter, on King Street, by J. B. McKenzie as Deputy Returning Officer, and Stanley Meggs as Poll Clerk.

Polling Sub-division Number Two, West Ward.—At the residence of James Davis, King Street West, by William G. Johnston as Deputy Returning Officer, and Hubert Rogers as Poll Clerk.

Polling Sub-division Number Three, North Ward.—At the new Town Hall in Public Park, by William E. Meggs as Deputy Returning Officer, and Francis Mooney as Poll Clerk.

Polling Sub-division Number Four, North Ward.—At wareroom of W. W. Stafford, on Charles Street, by Robert C. McCullough as Deputy Returning Officer, and John Kininmond as Poll Clerk.

Polling Sub-division Number Five, South Ward.—At Market Building, by Malcolm McIntyre as Deputy Returning Officer, and Walter Bowden as Poll Clerk.

Polling Sub-division Number Six, South Ward. At Edgar Landon's Harness Shop, King Street East, by John Munden as Deputy Returning Officer, and James Bell as Poll Clerk.

7.—On the twenty-ninth day of December, 1910, at the Clerk's Office, King Street, at ten o'clock in the forenoon, the Mayor shall in writing, signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend at each polling place on behalf of persons desirous of promoting the passing of this By-law and a like number on behalf of those interested in and desirous of opposing the passing of the By-law respectively.

8.—The third day of January, 1911, at the office of the Town Clerk, at two o'clock in the afternoon, is hereby appointed for the summing up by the Clerk of this Corporation of the number of votes given for and against this By-law respectively.

(Sgd.) W. N. ROGERS,
Mayor.

[L. s.]

S. MCCAMMOND,
Clerk.
CHAPTER

CHAPTER 90.

An Act respecting the City of Guelph.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Corporation of the City of Guelph has, by petition, represented that on the 19th day of December, 1910, it passed a By-law numbered 789 for the issue of debentures to the amount of \$16,750.00 in respect of the erection of an addition to the Winter Fair Building in the City of Guelph, and that the said building was erected in the year 1909, and completed in the year 1910, and in consequence of its having cost more than was contemplated the City's share of such cost originally provided for by a previous By-law sanctioned by the ratepayers proved to be insufficient and that it is expedient that the said By-law No. 789 should be confirmed without submitting the same to the ratepayers in order to provide for such deficiency; that the electors of the said City, on the 26th day of September, 1910, assented to a By-law to grant certain privileges in the City of Guelph to the Peoples Railway Company, which By-law received its third and final reading in the Council of the said City on the 17th day of October, 1910, and was passed and numbered 775; and that on the same days and dates, namely, the 26th day of September, 1910, and the 17th day of October, 1910, the said electors and the said Council assented to and passed a By-law, which is By-law No. 776 of the said City, to provide for aid to the Peoples Railway Company and for issuing debentures therefor to the sum of \$85,000.00 in payment of preferred cumulative stock in the said Railway Company to be taken by the Municipal Corporation of the City of Guelph, and that to the said By-law No. 776 there was attached an agreement between the said City of the first part and the Peoples Railway Company of the second part, which agreement was dated the 15th day of August, 1910, and that it is expedient that the last mentioned By-laws and the said agreement should be confirmed and validated in order that any doubts might be removed regarding the validity thereof; and whereas it is further represented that on the 27th day of December, 1910, the said Council passed By-laws Numbers 790, 791, 792 and 797, all to levy the costs of constructing certain local improvements and for
the

the issue of debentures therefor, and that it is expedient that the said last mentioned By-laws should be confirmed in order that the debentures issued thereunder may be more readily and profitably disposed of; and whereas it is further represented that it is expedient in the interests of the said City Corporation that the said Council may be empowered and authorized to pass a By-law for placing the management of all works under the control of the Committee of the said City Council, known as the Public Works Committee, in the hands of such Commissioners as may be elected as Commissioners to manage the sewerage system of the City of Guelph pursuant to section 554, subsection 1a, of *The Consolidated Municipal Act, 1903*; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The By-laws of the Corporation of the City of Guelph, specified in Schedule "A" hereto, and all debentures issued or to be issued thereunder or in pursuance thereof and all assessments made or to be made for the payment thereof, are confirmed and declared to be legal, valid and binding.

By-laws specified in Sched. "A" confirmed.

2. The said By-law No. 775 of the Corporation of the City of Guelph, as set out in Schedule "B" to this Act, is hereby declared to be legal, valid and binding upon the said City Corporation and upon the Peoples Railway Company.

By-law 775 set out in Sched. "B" confirmed.

3. The said By-law No. 776 of the Corporation of the City of Guelph and the agreement therein referred to, set out respectively as Schedules "C" and "D" to this Act, are and each of them is hereby declared to be legal, valid and binding upon the said City Corporation and upon the Peoples Railway Company.

By-law 776 and agreement set out in Scheds. "C" and "D" confirmed.

4. The Council of the Corporation of the City of Guelph is hereby empowered and authorized to pass a By-law to place the following matters concerning City works, namely:—

Power to place certain matters under control of sewerage commissioners.

(1) To consider and report to the Council on all matters relating to sewers, streets, thoroughfares and bridges.

(2) To report and recommend to the Council such regulations with regard to private buildings, drains and fences as may be requisite for the public safety and welfare.

(3)

(3) To report to the Council before the 15th day of March in each year regarding such works of improvement, maintenance and repair in connection with the sewers, drains, streets, thoroughfares and bridges as may be considered expedient to be carried out during each year, together with the estimated cost of the works so recommended.

(4) To instruct the City Engineer in the discharge of his duties with respect to sewers, streets, drains, thoroughfares and bridges, and to report to the Council from time to time on all matters connected with the performance by the Engineer of his duties in the matters aforesaid.

(5) To see that the streets and squares are cleaned and kept clean in accordance with the By-laws of the municipality. To consider and report to the Council all matters connected with the watering of the public streets or squares and to see that such streets and squares are watered in accordance with any By-law or Resolution of the Council.

(6) To expend in such manner as shall be most advantageous and beneficial to the municipality such moneys as shall be appropriated by the Council from time to time for sewers, streets, drains, thoroughfares and bridges, and the maintenance or improvement thereof, including all local improvement works in respect of which the Council shall pass By-laws for the construction thereof. But nothing herein shall affect the powers or authority of the Boards of Park, Light and Heat or of Water Commissioners.

(7) To have charge of the execution and carrying out of all works connected with sewers, drains, highways and bridges authorized by the Council and the expenditure of all moneys appropriated by the Council for the said purposes.

(8) To see that all supplies required for the use of any department under the Commissioners hereinafter mentioned are obtained by tender as far as practicable, unless otherwise authorized by the Council;

in the hands of such Commissions as may be elected as Commissioners to manage the sewerage system of the City of Guelph pursuant to section 554, subsection 1a of *The Consolidated Municipal Act, 1903*, but no By-law to be passed under this section shall have any force until the same shall have received the assent of the ratepayers in the manner provided for by *The Consolidated Municipal Act, 1903*, in the case of By-Laws for the creation of debts, and if such By-law is so passed the provisions of sections numbered 40 to 46, both inclusive, of *The Municipal Waterworks Act*, and the amendments thereto, heretofore

heretofore or hereafter passed are hereby incorporated with this Act as if the same were repeated therein, in so far as the same are applicable to the said sewerage system and to the public works in this section mentioned, with the substitution of the words "sewerage system and public works" for the words "waterworks" where they occur in the said sections 40 to 46 inclusive. Provided, that notwithstanding the said provisions of *The Municipal Waterworks Act*, the Council shall possess its power and authority to determine, and incidental to such determination what works and improvements in respect of sewers, streets, thoroughfares and bridges shall be undertaken and made, and the expenses thereof, and to carry out the provisions of *The Municipal Act* with respect thereto, but in respect of the execution and carrying out of the improvements and repairs so determined upon by the Council the Commissioners shall have and exercise the said powers and authority conferred under *The Municipal Waterworks Act*.

SCHEDULE "A."

List of By-laws providing for the issue of Debentures by the Council of the City of Guelph, passed on the dates hereinafter mentioned and for the purposes hereinafter referred to.

No. of By-law.	Time.	Nature of work under By-law.	Amount of debt created.	Time.	Rate.
776	Oct. 17th, 1910	A By-law to provide for aid to the Peoples Railway and for the issuing debentures therefor to the sum of \$85,000 in payment of preferred cumulative stock in the said Railway by the Municipal Corporation of the City of Guelph.....	\$85,000 00	30 years	4½%
789	Dec. 19th, 1910	A By-law for the issue of Debentures to the amount of \$16,750 in respect of the erection of the addition to the Winter Fair Building	16,750 00	20 years	4½%
790	Dec. 27th, 1910	A By-law to provide for borrowing money by the issue of Local Improvement Debentures to pay the cost of constructing a Westrumite Pavement on Paisley Street from Norfolk Street to Dublin Street, in the City of Guelph.....	5,507 98	15 years	4½%
791	Dec. 27th, 1910	A By-law to provide for borrowing money by the issue of Local Improvement Debentures to pay the cost of constructing a Bituminous Pavement on Norfolk Street from Quebec Street to Woolwich Street, in the City of Guelph.....	14,033 82	15 years	4½%
792	Dec. 27th, 1910	A By-law to provide for borrowing money by the issue of Local Improvement Debentures to pay the cost of constructing a Pavement of Westrumite with vitrified brick for car track, on Woolwich Street, in the said City.....	46,066 66	15 years	4½%
797	Dec. 27th, 1910	A By-law for borrowing money by the issue of Debentures, secured by Local Special Rates on the properties fronting and abutting on the several streets as set out in Schedules to this By-law annexed, and for other purposes as therein set forth.....	4,509 41	20 years	4½%

SCHEDULE "B."

THE CORPORATION OF THE CITY OF GUELPH.

BY-LAW No. 775.

A By-law to grant certain privileges in the City of Guelph to the Peoples Railway.

Whereas the Peoples Railway, hereinafter called "the Company," was incorporated by Act of the Legislature of the Province of Ontario, being chapter 141 of the Acts passed in the year 1909, and thereby the Company was authorized and empowered to survey, lay out, construct, equip and operate by electricity or other motive power, except steam, certain lines of railway, including lines of railway from the Town of Berlin to the City of Guelph, hereinafter called the Berlin-Guelph Branch, and from the City of Guelph to the Village of Arthur by way of the Villages of Elora and Fergus, hereinafter called the Guelph-Arthur Branch, and they propose also, by arrangement with the Guelph Radial Railway Company and otherwise to construct a branch from the City of Guelph to the Village of Hespeler and Puslinch Lake, hereinafter called the Guelph-Puslinch Lake Branch;

And whereas the said Company has requested the Corporation of the City of Guelph, hereinafter called the City, to pass a By-law authorizing the construction, maintenance and operation of the said railway upon and along certain streets or highways in the said City;

And whereas notice of the application of this By-law has been duly given pursuant to the provisions of *The Ontario Railway Act*;

Now therefore the Municipal Council of the Corporation of the City of Guelph enacts as follows:—

1. The Peoples Railway Company, their successors and assigns, are hereby authorized to construct, complete, equip, maintain and operate, and from time to time remove and change as required during the term of twenty-five years from the passing of this By-law, single lines of electric railway, with necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, and also to convey electricity required for the working of the railway and for heating and lighting the same and for furnishing power to other Municipalities, that are not served by the Hydro-Electric Power Commission, and for that purpose to erect poles and wire on, over and along the streets hereinafter mentioned, with all powers conferred upon such Companies by *The Ontario Railway Act*, but on and subject to the inspection and approval of the City Engineer, and to the terms, conditions and stipulations hereinafter contained and mentioned, the said streets to be the following:—

(a) The Berlin-Guelph and Guelph-Arthur Branches commencing at the north-westerly City limits on private right-of-way to be lawfully acquired by the Company, across Lots Nos. 8 and 7 near the Edinburgh Road, in the 4th Concession, Division "A," formerly in the Township, but now in the City of Guelph; thence across Lots 134 and 135 in Kingsmill's Survey; thence to the Edinburgh Road; thence on the Edinburgh Road to the intersection point of Edinburgh Road with Paisley Street; thence on Paisley Street to Nelson Crescent; thence around the Southerly side of Nelson Crescent across Norfolk Street to Quebec Street; thence on Quebec Street to the intersection of Quebec Street with St. George's Square, but not on St. George's Square.

(b)

(b) Connections of the Guelph-Arthur Branch with the Berlin-Guelph line as follows: Commencing such branch at or near the Edinburgh Road at intersecting point of the Berlin-Guelph Branch within the City limits on Lot Number 8 on or near the Edinburgh Road in the 4th Concession, Division "A" aforesaid; thence north by private right-of-way to be lawfully acquired as aforesaid, paralleling the Grand Trunk Railway towards Elora to the City limits.

(c) Entrance to the City of the Guelph-Puslinch Lake Branch as follows: Commencing at a point westerly of the City limits on private right-of-way to be lawfully acquired as aforesaid across Lot No. 20 on the south side of the Waterloo Road in Division "A" in the City of Guelph; thence across Lots Numbers 6, 5, 4, 3 and 1 in Oliver's Survey, thence across the Edinburgh Road; thence across Lots Numbers 71, 72, 73, 74, 75 in the Canada Company's Survey, thence across Fleet Street, thence across part of Lot Number 76 in the said Canada Company's Survey; thence across Bedford Street at an angle to Essex Street; thence on Essex Street to the intersection of Waterloo Avenue; thence along Waterloo Avenue to Gordon Street and through the proposed subway called Gordon Street subway out to Wilson Street, in such manner that the two tracks of the Guelph Radial and the Peoples Railway together shall occupy not more than seven feet two inches; thence along Wilson Street to Sandilands Street; thence on Sandilands Street to the intersection thereof with MacDonnell Street; thence on MacDonnell Street westerly to Norfolk Street; thence on Norfolk Street to the intersection thereof with Quebec Street, to where it shall connect with the Berlin-Guelph and Guelph-Arthur branches, and with a Y at the said intersection of Quebec and Norfolk Streets sufficient to Y one car and one trailer at a time. All private rights-of-way to be lawfully acquired by the said Company as aforesaid.

(d) The said Peoples Railway Company shall also have power to arrange with the Guelph Radial Railway Company for connections with that railway at the intersection of Wilson and Carden Streets, or at Paisley Street, or at both, at the option of the Guelph Radial Railway Company.

(e) Power Line—right-of-way to erect poles and wires on and across the following streets: Commencing at the Hydro-Electric Power Commission's Transformer Station, thence to Forest Street; thence on Forest Street to the South-western limits of the City; thence on Silver Creek Street to the north-western limits of the City.

2. The location of the said several branch lines of railway, where the same shall cross or occupy streets or the said Subway shall be subject to the approval of the City Engineer of Guelph, and further the same shall be subject also with respect to the said Subway and to such of the said streets as are now occupied in whole or part by the Guelph Radial Railway tracks, to the approval of the Guelph Radial Railway Company.

3. The Peoples Railway shall consist of a single track of a standard gauge of 4 feet $8\frac{1}{2}$ inches, and the rails laid thereon shall be (T) rails of not less than sixty pounds weight to the yard, and the same shall be laid in a good, substantial and workmanlike manner, and shall be to the satisfaction of the City Engineer, and such construction and equipment shall correspond with the specifications filed with the Clerk of the said Corporation, and with respect to the use of such of the said streets or such parts thereof as are now occupied by the Guelph Radial Railway Company, the rights hereby granted to the said Peoples Railway Company are subject not only to the terms and conditions herein set forth or imposed, but also to such agreements, terms and conditions as are or may be agreed upon between the Peoples Railway Company and the Guelph Radial Railway Company.

4. The said Company shall construct and maintain in good repair crossings similar to those for the time being in use by the said Corporation on the said streets at the various places of intersection of the track of the said Railway with any such street crossings, to the extent of the width of the track and eighteen inches on each side thereof, the material for the same to be supplied by the said Company.

5. During the construction no more than two consecutive streets shall be closed at one time, and during the operation of removing and relaying the rails a free passage for carriages and vehicles over the street shall be kept open and unobstructed, and immediately after the rails shall have been laid or relaid, as the case may be, the street material removed or dug up in laying or re-laying as aforesaid, shall be by the Company either removed from or spread over the street from which the same shall have been taken as shall be directed by the City Council.

6. The Corporation of the City of Guelph, the said Council and any Board of Commissioners acting for the City and the officers and servants of any such Corporation, Council or Board shall have the right to take up the street traversed by the said Railway, either for the purpose of altering the grades thereof, constructing or repairing of drains, sewers or culverts, or the laying down or repairing the gas or water pipes or erecting or repairing electric poles, wires and apparatus and for any other purpose for the time being within the powers of the Corporation, Council or Board, without being liable to the said Company for any damage that may be thereby occasioned to the said Railway or the works connected therewith or the working thereof, and the said Corporation shall not nor shall any Board or person acting for it be liable for any damage, the said Company may sustain from the breakage of any sewer or water pipe or the like or from the City's electric apparatus or the like, but the said Corporation or Board shall in any case use due diligence in making all necessary repairs on such street, but nothing herein shall be held to interfere with, or limit the rights of any Company incorporated or that may be incorporated in the said City or of any Board of Water or Light & Heat or Power Commissioners or the like.

7. Whenever it shall be deemed necessary by this Corporation to pave or macadamize any street occupied by the said railway track of the Company, that portion of the street embraced between the rails and eighteen inches on each side of such track, switches and turnouts, shall in the first instance be paved or macadamized at the expense of the said Company, and thereafter during the continuance of the grant the same shall be kept in repair by the said Company at their own costs and charges.

8. The said Company shall be liable for all damages which may be occasioned to any person or persons by reason of any carelessness, neglect or misconduct of any contractor for or agent or servants of the said Company in or in connection with the construction or working of the said Railway, and the said Company shall indemnify this Corporation as well against all claims for such damages as against all and every claim of any person or persons for damages sustained by reason of the non-repair of the said street or any part of it. at such part or parts thereof, as it may be the duty of the said Company under the terms of this By-law to keep in repair.

9. In case the said Company shall fail to keep in good repair the said part of the said street upon and along which its tracks shall be laid, and shall neglect to make such repairs for one week after notice in writing from the City Engineer or other officer of the said Corporation for the time being, has been served upon or by registered letter duly posted, addressed to the President or any Superintendent or Managing Officer of the said Company, specifying the particulars of such want of repair, then and in such

case the said Corporation shall be at liberty to cause such repairs to be made and to recover the costs thereof from the said Company.

10. Whenever it shall become necessary to remove any snow or ice from the track or tracks of the said Company, the same shall be, by the said Company evenly spread over the said street so as not to obstruct or endanger the free passage of sleighs or other vehicles along the said streets, and where it is found necessary by the Corporation to remove the snow from the said streets, the Company shall bear its proportionate cost of such removal. The Company shall not wherever it shall lay tracks near the Guelph Radial Railway in removing snow or ice spread the snow or ice upon, over or towards the track of such Railway. Provided, however, that any snow or ice which falls or accumulates on the tracks of the Peoples Railway on Wilson and Sandlands Streets, or the Gordon Street Subway, shall be removed by the Peoples Railway Company, at their own expense, from these streets and the Subway, if the City Engineer so directs, and in that event under the direction of the City Engineer.

11. No cars shall be allowed to stop on a crossing or in front of any intersecting street, except to avoid collision or to prevent injury to persons in the street or for other good cause, nor shall any car be left or remain standing on any street at any time unless the same is being used or waiting for passengers.

12. When it is necessary to stop at the intersection of streets to receive or leave passengers, the cars shall be stopped so that the rear platform will be slightly over the crossing after having crossed the intersecting street.

13. Qualified, careful, sober and civil agents and conductors shall at all times be employed to take charge of the cars of the said Company.

14. The Company may also carry baggage, mail and express and charge a reasonable compensation for carrying the same. The Company shall not run or have the right to run freight cars within the City limits easterly of Edinburgh Road, but this shall not prevent or hinder the carrying of baggage or express matter, such as goods usually carried by Express Companies, or of running within the City, express cars for the purpose of carrying parcels, boxes and light freight, such as is usually carried by Express Companies, such express cars, however, not to be run except during hours when the Company's ordinary passenger cars are to be run, and the contents of such express cars shall not be handled on or near Wyndham Street or St. George's Square, nor upon any street, but such express cars shall for the handling of such contents be run into part of the Company's passenger station building, into which building they shall also run their ordinary passenger cars.

15. The Company may also construct a telephone system for the operation of its electric railway system, only, along the Railway and to such places where the office may be located, the wires to be strung under the direction of the City Engineer and subject to any exclusive rights already granted.

16. The permission of the City is hereby granted, so far as the City has power to grant such permission to the said Company to cross the tracks of the Grand Trunk Railway at the intersecting point of the Edinburgh Road and Paisley Street.

17. In case any Company having power to operate a Railway by electricity shall at any time during the continuance of the franchise granted hereby apply to the City or to the City Council for the right to run its cars into the said City, the City by its Council may require the Company to permit any Company making such application to run over the Company's line or such of them

as the Council may designate within the limits of the said City, and thereupon the Company shall permit such other Company to use and run over such of the said lines as may be designated, subject always to such terms and conditions as may be agreed upon between the said Companies, or in the event of their failing to agree as may be determined by the Ontario Railway and Municipal Board.

18. After the work of construction of the said Railway shall be commenced within the limits of the said City, the same shall be continued to completion with all reasonable expedition and without delay with the end and intent that the line on Edinburgh Road, Paisley Street and Quebec Street to St. George's Square shall be completed on or before the first day of October, 1911, and the line on Essex, Gordon, Wilson, Sandilands, Macdonnell and Norfolk Streets to the intersection of Norfolk Street and Quebec Street shall be completed on or before the 15th day of June, 1912, subject, however, to any extensions of time which may be lawfully granted to the said Company under clause four in the Agreement dated the 15th day of August, 1910, between the said City and the Peoples Railway Company.

19. The overhead construction for the purpose of supplying electricity as a motive power shall be completed within twelve months from the commencement of the construction of the said Railway within the limits of the said City and until the completion of the said overhead construction, the Company may use steam or other motive power for the purpose only of the said Railway construction. Provided, however, that the said Company shall not use steam power nearer to the centre of the said City on Paisley Street than to the point where Dublin Street intersects Paisley Street nor nearer to the centre of the said City on Essex Street than to the southerly entrance of the proposed Gordon Street Subway.

20. The car service of the Berlin-Guelph line shall not be less frequent than a one hour service during a period of seven months, between the 1st day of April and the 31st day of October, inclusive, and not less frequent than a one and one-half hour service during the other five months, unless prevented by an unavoidable accident or obstruction, and such service shall continue for fourteen hours per day for six days per week and at other times in the day the said Company shall give such service as traffic returns shall warrant.

(b) The car service of regular trips of the Guelph-Arthur branch shall not be less frequent than a one-hour service during a period of seven months, between the first day of April and the 31st day of October, inclusive, and not less frequent than a two hour service during the other five months, and unless prevented by an unavoidable accident or obstruction, such service shall continue for fourteen hours per day for six days per week and at other times in the day the said Company shall give such service as traffic returns shall warrant.

(c) The car service of regular trips on the Guelph-Puslinch Lake Branch shall not be less frequent than a one hour service during a period of seven months, between the first day of April and the 31st day of October, inclusive, and not less frequent than a one and one-half hour service during the other five months, and unless prevented by an unavoidable accident or obstruction such service shall continue for fourteen hours per day for six days per week and at other times in the day the said Company shall give such service as traffic returns shall warrant.

(d) The car service of regular trips on the Puslinch Lake Branch from Guelph and Hespeler line shall not be less frequent than a one hour service during a period of five months between the first day of May and the 30th day of September, inclusive, and unless

prevented

prevented by an unavoidable accident or obstruction such service shall continue for fourteen hours per day for six days per week, and at other times in the day the Company shall give such service as traffic returns shall warrant and the service on the said branch for the period of the other seven months shall be regulated whenever the requirements for or returns from passenger transportation shall warrant.

21. Should any obstruction or accident happen upon any of the said lines the said Company shall remove the obstruction or clear the line with all reasonable expedition.

22. During the term of this franchise the Guelph Radial Railway Company shall have the privilege of operating their cars over the lines of the Peoples Railway Company within the limits of the said City, provided that the said Guelph Radial Railway shall erect and use its own trolley wire and furnish power for operating the same, and any additional switches and turnouts which may be necessary for the working of the cars of the said Guelph Radial Railway Company shall be built and maintained by the said Guelph Radial Railway Company, but the maintenance of the track of the said Peoples Railway Company within the said City limits shall be borne by that Company, provided further that for the support of any trolley wire erected under this clause the Guelph Radial Railway Company may use the poles of the Peoples Railway Company.

23. The said branches shall be constructed and completed within the times limited and in accordance with the terms of the said Agreement between the City and the Company, bearing date the 15th day of August, 1910, and if the Company does not construct and put in operation the said branches of the said Railway within the times and according to the terms of the said Agreement, but if, notwithstanding the Company shall have made substantial and satisfactory progress with the several works towards the completion thereof and shall bona fide appear to be continuing to make such progress, then the rights hereby granted to the Company shall not be forfeited or rendered null and void unless the Company shall fail to construct and operate all the said branches of the said Railway according to the terms of the said Agreement with the City and of this By-law by the 30th day of June, 1913, and if the Company shall so fail to construct all the said branches by the said last mentioned date then the said Company shall forfeit all the franchise and privileges conferred by this By-law or by the said Agreement in respect of any branch of the said Railway then incomplete and then not in operation according to the terms hereof and of the said Agreement and time shall be of the essence of this clause; that is to say, under no circumstances shall the said Company be entitled to any further time than to the 30th day of June, 1913, for the construction of all the said branches. Provided, however, that nothing in this clause contained shall affect the right of the City to insist so far as its liability to subscribe and pay for preference stock is concerned, on prompt compliance with the terms of the Agreement aforesaid, and if the said terms of the said Agreement are not strictly complied with in regard to the times of completion and operation therein fixed of the various branches of the said Railway, the City shall not be liable to subscribe or pay for preference stock.

(a) Provided further that if the City shall consider that if the Company has not made or is not making substantial or satisfactory progress with the work of constructing the said several branches or is not in good faith and energetically prosecuting the work the City may serve a notice upon the Company requiring it within three months (suitable for performing work) from the delivery of such notice to properly proceed with and carry on the work of construction of the said Railway or any branch in a substantial and satisfactory and energetic manner, and if the Company shall not in good faith and bona fide comply with such notice, then the

City may apply to the Ontario Railway and Municipal Board to declare and such Board may by its order declare the franchise and privileges conferred by this By-law and by the said Agreement to be forfeited and null and void, and any order of the said Board to be made with respect to or upon such application shall be final and binding and it is understood that the words herein "three months suitable for performing work" shall mean that no part of such three months shall extend beyond the first day of December or commence earlier than the 31st day of April in any year.

(b) Provided, however, that the said Board shall not have power to extend the time for the completion of any of the said branches beyond the 30th day of June, 1913.

(c) Any notice under this clause or under other clause of this By-law may be given to the Company by registered letter to be posted at Guelph addressed to the Head Office of the Company.

24. It is hereby declared to be of the conditions on which the City grants this franchise that the said Company, its successors or assigns, shall not and will not construct or operate or be concerned in the construction or operation directly or indirectly of any line of railway from any place on the Berlin-Guelph branch or any place within five miles thereof to Elora, Fergus or Arthur other than the said line of railway from Guelph to Arthur hereby provided for, and being that to proceed directly from Guelph to Arthur aforesaid, by way of Fergus and Elora; and further that the Peoples Railway, its successors or assigns shall not do, permit or suffer any act, matter or thing whereby or by means of any use of the Berlin-Guelph branch, or any part thereof, traffic between Guelph and any point on the Guelph-Arthur Branch shall be diverted from such branch or any part thereof, and upon any breach of this clause it shall be lawful for the said City to declare that the franchise and rights within the City hereby granted shall be forfeited and become null and void; but such right of forfeiture shall not bar or affect any other remedy which the City or the Guelph Radial Railway Company may be entitled to by injunction or otherwise to enforce the provisions hereof.

25. And it is a further condition on which the City grants the franchise under this By-law that the Peoples Railway for itself, its successors and assigns shall for the purpose of receiving and discharging passengers cause all cars carrying passengers on the said branches and each of them to be run to the end of their tracks on Quebec Street at St. George's Square, in the said City, before proceeding from the City to any other point, that is to say: No passenger car proceeding towards the City on any of the said branches shall proceed to any point on any other branch without first being run to the said terminus on Quebec Street. Provided that nothing in this clause shall apply to what are known as special excursions or to special cars on holidays and the like from any one point on any of the said branches to any one point on any other of the other branches.

26. This By-law shall take effect, if and when the same shall have been ratified by Act of the Legislature of the Province of Ontario.

27. The votes of the electors of the said City of Guelph shall be taken on this by-law on Monday, the 26th day of September, 1910, commencing at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon, of the said day, at the following places and by the following Deputy Returning Officers, that is to say:—

1. Polling Subdivision No. 1, at St. Patrick's Ward School, with William Drever, Deputy Returning Officer.

2. Polling Subdivision No. 2, at the residence of Harvey McCullough, with Harvey McCullough, Deputy Returning Officer.

3. Polling Subdivision No. 3, at the City Hall, with M. J. Doran, Deputy Returning Officer.

4. Polling Subdivision No. 4, at the Victoria Rink, with James A. Thorp, Deputy Returning Officer.

5. Polling Subdivision No. 5, at the Court House, with George Howard, Deputy Returning Officer.

6. Polling Subdivision No. 6, at St. George's School, with William Dyson, Deputy Returning Officer.

7. Polling Subdivision No. 7, at Mrs. Thomas Anderson's house, with Edwin Parkinson, Deputy Returning Officer.

8. Polling Subdivision No. 8, at Miss Read's house, King Street, with Alex. Cordiner, Deputy Returning Officer.

9. Polling Subdivision No. 9, at Robertson's store, Perth Street, with Urban Ryde, Deputy Returning Officer.

10. Polling Subdivision No. 10, at St. John's Ward School, with Fred W. O'Brien, Deputy Returning Officer.

11. Polling Subdivision No. 11, at Mrs. Higgin's house, London Road, with A. C. R. Saunders, Deputy Returning Officer.

12. Polling Subdivision No. 12, at the King Edward School, with C. J. Eisle, Deputy Returning Officer.

13. Polling Subdivision No. 13, at the Guelph Furniture & Upholstering Co.'s Office, with Malcolm McLean, Deputy Returning Officer.

14. Polling Subdivision No. 14, at the Collegiate Institute, with Homer Precious, Deputy Returning Officer.

15. Polling Subdivision No. 15, at the Alexandra School, with Robert McKenzie, Deputy Returning Officer.

16. Polling Subdivision No. 16, at Steven's store, with William Towle, Deputy Returning Officer.

17. Polling Subdivision No. 17, at the old Waterloo Ave. School, with Peter Gould, Deputy Returning Officer.

18. Polling Subdivision No. 18, at McHardy's Warehouse, Gordon Street, with Frank Howard, Deputy Returning Officer.

19. Polling Subdivision No. 19, at Foley's store, with Joseph Grundy, Deputy Returning Officer.

28. On the 23rd day of September, 1910, the Mayor of the City of Guelph, shall attend at the City Hall, Guelph, at ten o'clock in the forenoon, to appoint persons to attend at the various Polling Places aforesaid, and at the final summing up of the votes by the Clerk on behalf of the persons interested in, and promoting or opposing the passing of this By-law respectively.

29. The Clerk of the Council of the said City shall attend at the City Hall at eleven o'clock in the forenoon on the 28th day of September, 1910, to sum up the number of votes for and against this By-law.

Passed on the 17th day of October, 1910.

(Corporate Seal.)

(Sgd.) G. D. HASTINGS, *Mayor*.

(Sgd.) T. J. MOORE, *Clerk*.

SCHEDULE

SCHEDULE "C."

THE CORPORATION OF THE CITY OF GUELPH.

BY-LAW No. 776.

A By-law to provide for aid to the Peoples Railway and for the issuing Debentures therefor to the sum of \$85,000.00 in payment of preferred cumulative stock in the said Railway by Municipal Corporation of the City of Guelph.

Whereas the Peoples Railway hereinafter called the "Company," was incorporated by Act of the Legislature of the Province of Ontario, being Chapter 141 of the Acts passed in the year 1909, and thereby the Company was authorized and empowered to survey, lay out, construct, equip and operate by electricity or other motive power, except steam, certain lines of railway: from amongst others, to the Town of Berlin, to the City of Guelph, and from the City of Guelph to the Village of Arthur, by way of the Villages of Elora and Fergus;

And whereas the Company propose by arrangement with The Guelph Radial Railway Company to obtain authority to construct a railway from Guelph to Hespeler and Puslinch Lake;

And whereas more than fifty of the ratepayers of the City of Guelph have petitioned the Council of the said City to pass a By-law to be submitted to the vote of the duly qualified electors of the said City for the purpose of the said Municipality taking stock in the said Railway;

And whereas the Company has requested the City to assist in the construction of the said lines of railway by subscribing for first preference capital stock in the Company to the amount of \$85,000.00 and the City has agreed that it will, subject to the terms and conditions in the Agreement hereinafter mentioned, contained, subscribe for such preferred capital stock of the Company to the amount aforesaid;

And whereas for the purpose aforesaid it will be necessary for the said City to issue debentures for the sum of \$85,000.00 which is the amount of the debt intended to be created by this By-law, and to provide for the payment of the same and for the interest thereof and in the manner hereinafter mentioned, the proceeds of the said debentures to be applied to the said purpose and no other;

And whereas the said Company has entered into an Agreement or provisional agreement with the said City bearing date the 15th day of August, 1910, with respect to the said Railway and the said aid and the construction and operation of the Railway and other matters in the premises, a copy of which Agreement is hereunto annexed and marked "A."

And whereas the Council of the said City deem it expedient to grant the prayer of the said petition, subject as hereinafter contained;

And whereas the amount of the whole rateable property of the City of Guelph, according to the last Revised Assessment Roll thereof, is \$6,573,539.00;

And whereas the total amount required by The Municipal Act to be raised annually by special rate for paying the said debt and interest, is the sum of \$5,340.56, whereof \$3,825.00 is to be raised annually for the payment of the said interest during the currency of the said debentures and \$1,515.56 is to be raised

annually

annually for the purpose of creating a sinking fund for the payment of the debt secured by the said Debentures;

And whereas the amount of the existing Debenture Debt of the said Municipality is \$1,207,921.96 exclusive of \$438,609.11, the latter being the amount of the Debenture Debt due in respect of Local Improvements;

And whereas no part of the said principal money or interest is in arrear;

Now therefore the Municipal Council of the Corporation of the City of Guelph, enacts as follows:

1. It shall and may be lawful for the Municipal Corporation of the City of Guelph to assist the said Peoples Railway Company by taking stock in the said Company to the amount of \$85,000.00 at the several times and subject to the terms and conditions of the said Agreement. The said stock to be first preference capital stock of the nature and class mentioned and specifically set out in the said Agreement marked "A" hereunto annexed.

2. To enable the said City to assist the said Peoples Railway as aforesaid, it shall be lawful for the Mayor and Treasurer of the said City, and they are hereby empowered to issue debentures of the said City to the said amount of \$85,000.00 and to dispose of the same, and the proceeds of the said debentures to be paid or caused to be paid into the hands of the Treasurer of the City of Guelph for the purpose aforesaid.

3. The said debentures shall be issued in sums of not less than \$100.00 each which said debentures shall be issued within two years from the final passing and ratification of this By-law and shall be payable within thirty years from the date of issue thereof at the office of the Treasurer in the City of Guelph.

4. Each of the said debentures shall be signed by the Mayor and Treasurer of the said City and the Clerk of the said City shall attach thereto the Corporate Seal of the said City and the said debentures shall bear interest at the rate of four and one-half per cent. per annum payable half-yearly at the office of the City Treasurer on the 30th day of June and the 31st day of December in each and every year during the currency thereof and shall have attached to them coupons for the payment of the said interest, which coupons shall be signed by the City Treasurer.

5. The said sum of \$85,000.00 shall be paid for the said stock in the manner and at the time and upon or subject to the terms and conditions of the said Agreement.

6. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the City of Guelph, the said sum of \$3,825.00 for payment of interest on the said debentures and the said sum of \$1,515.56 for the purpose of creating a sinking fund for the payment of the debt hereby secured, making in all the said sum of \$5,340.56 to be raised annually by special rate as aforesaid during each of the said thirty years.

7. This By-law shall take effect if and when the same shall be ratified by Act of the Legislature of the Province of Ontario.

8. This By-law shall be submitted to the vote of the electors, qualified to vote, of the said City of Guelph on Monday the 26th day of September, 1910, from the hour of nine o'clock in the forenoon to the hour of five o'clock in the afternoon at the places and by the Deputy Returning Officers hereunder specified; that is to say:

ST. PATRICK'S WARD.

Subdivision No. 1, at St. Patrick's Ward School; William Drever, Deputy Returning Officer.

Subdivision No. 2, at the residence of Harvey McCullough; Harvey McCullough, Deputy Returning Officer.

Subdivision No. 3, at the City Hall; M. J. Doran, Deputy Returning Officer.

ST. GEORGE'S WARD.

Subdivision No. 4, at the Victoria Rink; James A. Thorp, Deputy Returning Officer.

Subdivision No. 5, at the Court House; George Howard, Deputy Returning Officer.

Subdivision No. 6, at St. George's School; William Dyson, Deputy Returning Officer.

Subdivision No. 7, at Mrs. Thomas Anderson's house; Edwin Parkinson, Deputy Returning Officer.

ST. JOHN'S WARD.

Subdivision No. 8, at Miss Read's house, King street; Alex. Cordiner, Deputy Returning Officer.

Subdivision No. 9, at Robertson's store, Perth street; Urban Ryde, Deputy Returning Officer.

Subdivision No. 10, at St. John's Ward School; Fred W. O'Brien, Deputy Returning Officer.

ST. DAVID'S WARD.

Subdivision No. 11, at Mrs. Higgin's house, London Road; A. C. R. Saunders, Deputy Returning Officer.

Subdivision No. 12, at the King Edward School; C. J. Eisle, Deputy Returning Officer.

Subdivision No. 13, at the Guelph Furniture and Upholstering Co.'s office; Malcolm McLean, Deputy Returning Officer.

ST. ANDREW'S WARD.

Subdivision No. 14, at the Collegiate Institute; Homer Precious, Deputy Returning Officer.

Subdivision No. 15, at the Alexandra School; Robert McKenzie, Deputy Returning Officer.

Subdivision No. 16, at Steven's store; William Towle, Deputy Returning Officer.

ST. JAMES' WARD.

Subdivision No. 17, at the Old Waterloo Avenue School; Peter Gould, Deputy Returning Officer.

Subdivision No. 18, at McHardy's Warehouse, Gordon Street; Frank Howard, Deputy Returning Officer.

Subdivision No. 19, at Foley's store; Joseph Grundy, Deputy Returning Officer.

9. On Friday, the 23rd day of September, 1910, the Mayor of the said City shall attend at the City Hall at two o'clock in the forenoon to appoint persons to attend at the various polling places, as aforesaid, and at the final summing up of the votes by the Clerk, on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

10. The Clerk of the said City of Guelph shall attend at the said City Hall at eleven o'clock in the forenoon of Wednesday, the 28th day of September, 1910, to sum up the number of votes given for and against this By-law.

Passed this 17th day of October, 1910.

(Signed) G. D. HASTINGS,
Mayor.

(Signed) T. J. MOORE,
Clerk.

NOTICE.

Take notice that the above is a true copy of a proposed By-law which has been taken into consideration and which will be finally passed by the Municipal Council of the Corporation of the City of Guelph, in the event of the assent of the electors being obtained thereto, after one month from the first publication thereof in the *Daily Herald* newspaper, such first publication being on the 31st day of August, 1910, and that at the hour, day and places therein fixed for taking the votes of the electors the polls will be held.

August 31st, 1910.

T. J. MOORE,
Clerk of the City of Guelph.

SPECIAL NOTICE TO LEASEHOLDERS.

A Leaseholder who is entitled to vote on this By-law is one who has a lease of property in the City of Guelph which extends over the ensuing thirty years (the period of time within which the money to be raised by the By-law is made payable) and for which property he or she is rated on the last revised assessment roll to the amount of at least \$400.00 and who, under his or her lease, has covenanted to pay all municipal taxes in respect of the property leased (other than those assessed for local improvements) provided, however, that every leaseholder who desires to vote on the said By-law must file at the office of the City Clerk at least ten days prior to the date of voting a statutory declaration stating that his or her lease meets the above requirement.

The names of the leaseholders neglecting to file such a declaration will not be placed on the voters' list for such voting.

(Signed) T. J. MOORE,
City Clerk of Guelph.

City Clerk's Office, August 31st, 1910.

SCHEDULE "D."

"A"

This Agreement made this fifteenth day of August 1910.

BETWEEN

The Corporation of the City of Guelph, hereinafter called "the City," of the First Part;

—and—

The Peoples Railway, hereinafter called "the Company," of the Second Part.

Whereas the Peoples Railway, hereinafter called "the Company," was incorporated by Act of the Legislature of the Province of Ontario, being Chapter 141 of the Acts passed in the year 1909, and thereby and by another Act passed in the year 1910, the Company was authorized and empowered to survey, lay out, construct, equip and operate by electricity or other motive power, except steam, certain lines of railway from amongst others, the Town of Berlin to the City of Guelph, hereinafter called the Berlin-Guelph Branch, and from the City of Guelph to the Village of Arthur, by way of the Villages of Elora and Fergus, the latter hereinafter called the Guelph-Arthur Branch;

And whereas the Company propose by arrangement with the Guelph Radial Railway Company to construct a railway from Guelph to Hespeler and Puslinch Lake, hereinafter called the Guelph-Puslinch Lake Branch;

And whereas the Company has requested the City to assist in the construction of the said lines of railway by subscribing for first preference capital stock in the Company to the amount of \$85,000.00 and the City has agreed that it will, subject to the terms and conditions in this Agreement contained, subscribe for such preferred capital stock of the Company to the amount aforesaid, the same to be subscribed for and paid as hereinafter set forth;

And whereas it is a condition of this Agreement that the stock to be subscribed for by the City shall be first preference capital stock bearing six per cent cumulative dividends, that is that dividends are to be paid at that rate on the preference stock for each and every year prior to any dividend being paid on common stock, and if from any cause the said preference dividend be not paid in any year or years, the same is to be made up to the holders of Preference Stock before any dividend be paid to the holders of common stock of the said Company, and in case of any dissolution or liquidation of the Company, the Preference Stock shall be repaid in full before any payment is made on the common stock of the Company;

Now therefore this Agreement witnesseth that the Company for itself, its successors and assigns in consideration of the several matters and things hereinafter contained and in consideration of franchise, rights and privileges granted by the said City to it, subject to the terms and conditions of the By-law of the City in that behalf, and the said City for itself, its successors and assigns in consideration of the covenants and agreements hereinafter contained on the part of the Company, their successors and assigns, and the performance by the Company of such conditions and agreements, do hereby mutually covenant and agree the one with the other in manner following, that is to say:

1. The Company shall as soon as practicable commence to construct a double or single line of railway with necessary sidetracks, switches or turnouts for the passage of cars, carriages and other vehicles adapted to the same from the Town of Berlin by way of the Village of New Germany to the City of Guelph and will carry on the said work of construction as rapidly as possible to the completion of the same and so as that the grading on the said line shall be completed from the Village of Bloomingdale to the City of Guelph by the thirty-first day of December, 1910, and so as that the said line from Berlin by way of New Germany to Guelph shall be completed and in operation by the first day of October, 1911, subject as to the dates herein to the provisions of Clause 4 hereof.

2. And the Company shall, not later than the first day of April, 1911, commence to construct a double or single line of railway with necessary sidetracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same from the City to the Village of Arthur by way of the Villages of Elora and Fergus in as direct a route as practicable and will carry out such last mentioned work of construction as rapidly as possible to the completion of the same so as that the grading shall be completed and the track laid thereon from the City to the Villages of Elora and Fergus by the thirty-first day of December, 1911, and so as that the said line to the Villages of Elora and Fergus shall be completed and in operation by the first day of June, 1912, and so as that the said line to the Village of Arthur shall be completed and in operation by the thirtieth day of December, 1912, subject as to the dates herein to the provisions of clause 4 hereof.

And the Company shall, in due course, apply for and use all lawful endeavors to obtain proper legislative authority to construct and operate the Guelph-Puslinch Lake Branch, and shall, on obtaining such authority, commence to construct, not later than the first day of April, 1911, a double or single line of railway, with necessary sidetracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, from the City to the Village of Hespeler and Puslinch Lake, being the said Guelph-Puslinch Lake Branch, and will carry out such last mentioned work of construction as rapidly as possible to the completion of the same, so as that the grading shall be completed and the rails laid thereon not later than the 31st day of December, 1911, and so as that the said line shall be completed and in operation by the 15th day of June, 1912, subject as to the dates herein to the provisions of clause 4 hereof.

4. Should the Company be obstructed or delayed in the prosecution or completion of the work by the neglect, delay or default of any other constructor, or any material which may be required in the said work, or by any damage which may happen thereto by the unusual action of the element or otherwise, or by the abandonment of the work by the employees through no fault of the Company, then there shall be an allowance of additional time beyond the dates respectively set for the commencement, construction or completion of the said works, but not for a time exceeding in the aggregate six months for any one of the three branches herein mentioned beyond the dates respectively set for the commencement, construction, or completion of each of the said works; that is, that in no event shall the Company be entitled to an allowance of additional time for the completion of the road from Berlin to Guelph by way of New Germany, longer than six months from the 1st day of October, 1911; and in no event shall the Company be entitled to any allowance for the grading on the said line from Bloomingdale to Guelph for a period longer than six months from the 31st day of December, 1910; and in respect to the Guelph to Arthur branch, in no event shall the completion of the road to the Villages of Elora and Fergus, and the putting in operation thereof, be allowed to be delayed longer than six months from the 1st day of June, 1912; nor shall the completion

and putting in operation of the whole line to Arthur be delayed longer than six months from the 30th day of December, 1912; and in respect to the Hespeler and Puslinch Lake branch, no allowance shall be made in any event to extend the time for the commencement later than six months from the 1st day of April, 1911, nor shall additional time for completing the roadbed and laying the rails on the said branch be allowed for a term longer than six months from the 31st day of December, 1911, nor shall additional time for the completion and putting in operation of the said line be allowed for a term longer than six months from the 15th day of June, 1912; and no such allowance shall be made unless a claim therefor is presented in writing at the time of such obstruction or delay, and the Engineer of the Company, together with an Engineer appointed by the City for that purpose, shall ascertain, and in writing certify to the City, the amount of additional time not exceeding in the aggregate in each case six months as aforesaid to be so allowed, in which case the Company shall be given such additional time and no more. In the event of the said Engineers being unable to agree on such additional time to be so allowed, the question shall be passed upon by the Ontario Railway and Municipal Board.

5. The Company shall not issue Bonds, Debentures or other Securities to an amount exceeding \$16,000 per mile of the Railway constructed or under contract to be constructed by the said Company.

6. The said several branch lines of Railway shall all be constructed in a first-class and efficient and up-to-date manner, and in all respects according to the specifications hereinafter referred to, and shall be subject to the inspection and approval of the Engineer of the Ontario Railway and Municipal Board. The result of such inspection to be expressed by him in writing, such writing to be delivered to each of the parties hereto. The specifications referred to have been filed by the Company in the Offices of the Clerk of the said City, and which specifications are marked "A," and are signed on behalf of the said Company by the President and Secretary thereof, under the Corporate Seal thereof, and are identified also by the signature of the Mayor and Clerk of the said City.

7. The first preference capital stock to be subscribed for by the City shall bear six per cent. cumulative dividends, that is to say, that dividends on such stock shall be paid at that rate for each year prior to any dividend being paid on common stock, and if from any cause the said preference dividend be not paid in any year or years, the same shall be made up to the holders of preference stock before any dividend be paid to the holders of common stock of the said Company, and in case of any dissolution or liquidation of the Company the preference stock shall be repaid in full before any payment is made on the common stock of the Company.

8. The issue of first preference stock of the Company shall not exceed \$3,000.00 per mile of its railway constructed in rural Municipalities, nor \$5,000.00 per mile of its Railway in Towns and Cities.

9. From and after the time when the City shall have subscribed and paid for stock as hereinbefore set forth, the Company shall and will at all times properly and efficiently maintain the several lines of Railway agreed to be constructed and equipped hereunder, so as that each of such lines of Railway shall be and continue in good and substantial order, repair and condition, and so as that the same shall at all times be fit to be operated in a thoroughly efficient and businesslike manner; and further, the Company covenants with the City that it shall and will at all times after the subscription and payment of stock as aforesaid duly, regularly and efficiently operate all of the said lines of Railway so to be constructed, and will maintain thereon an up-to-date and efficient service, and so as that the car service thereon shall be not less frequent than as hereinafter specified.

(a) The car service on the Berlin-Guelph line shall not be less frequent than a one-hour service during a period of seven months between the 1st day of April and the 31st day of October inclusive, and not less frequent than a one and one-half hour service during the other five months, and unless prevented by an unavoidable accident or obstruction, such service shall continue for fourteen hours per day for six days per week, and at other times in the day the said Company shall give such service as traffic returns shall warrant.

(b) The car service of regular trips on the Guelph-Arthur branch shall not be less frequent than a one-hour service during a period of seven months between the 1st day of April and the 31st day of October inclusive, and not less frequent than a two-hour service during the other five months, and unless prevented by an unavoidable accident or obstruction, such service shall continue for fourteen hours per day for six days per week, and at other times in the day the said Company shall give such service as traffic returns shall warrant.

(c) The car service of regular trips on the Guelph and Hespeler branch shall not be less frequent than a one-hour service during a period of seven months between the 1st day of April and the 31st day of October inclusive, and not less frequent than a one and one-half hour service during the other five months; and unless prevented by an unavoidable accident or obstruction, such service shall continue for fourteen hours per day for six days per week, and at other times in the day the said Company shall give such service as traffic returns shall warrant.

(d) The car service of regular trips on the Puslinch Lake branch from the Guelph and Hesleper line shall not be less frequent than a one-hour service during a period of five months between the First day of May and the 30th day of September, inclusive, and unless prevented by an unavoidable accident or obstruction such service shall continue for fourteen hours per day for six days per week, and at other times in the day the Company shall give such service as traffic returns shall warrant, and the service on the said branch for the period of the other seven months shall be regulated whenever the requirements for or returns from passenger transportation shall warrant.

10. The fare to and from the City from and to points on the said lines of Railway hereby contracted for, shall not be greater per mile than the lowest fare the Company shall charge in respect of or to and from any or other points on their system of roads for similar classes.

11. The City agrees with the Company that when the Company shall have duly constructed and equipped its said lines of Railway in manner aforesaid and according to the terms and conditions of this Agreement, and shall have regularly operated such lines of railway with regular cars for fifteen days continuously, upon each of said lines giving the car service aforesaid, the City will subscribe and pay for first preference stock of the said Company to the extents following; that is to say, in respect of the Berlin-Guelph branch the sum of \$5,000, in respect of the Guelph-Puslinch Lake branch the sum of \$20,000, and when the Guelph-Arthur branch has been completed and in operation as aforesaid from the city to the Villages of Elora and Fergus the sum of \$10,000, and when the said Guelph-Arthur branch has been wholly completed and in operation as aforesaid will subscribe and pay for further stock to the amount of \$50,000, but no part of the said sum of \$50,000 shall be subscribed for or paid for unless all the said branches of railway herein contracted for shall have been wholly completed and operated as herein mentioned,

mentioned, but extensions of time may be given by By-Laws to be approved of by the ratepayers of the City, provided, however, that all expense of submitting any such by-law shall be defrayed by the Company; all such first preference stock to be subscribed shall be of the nature, and the holders thereof to have the rights and privileges hereinbefore provided for; and with respect to the construction, equipment and operation of the Railway and the subscription and payment by the City of preferred stock, time shall be of the essence of this agreement.

12. The Company shall and will obtain through the said City its supply of power for the purposes of the lines of Railway as herein-after specified from the Hydro-Electric Power Commissioner's Transformer Station situate at or near the City, the power so obtained by the Company shall form part of the power which the said City has contracted to take from the said Hydro-Electric Power Commission so far as the said City has or shall have the right lawfully to supply such power and shall pay the City therefor a price not to exceed that charged by the Hydro-Electric Power Commission to the Company at other points similarly situated or as nearly as may be. The lines of Railway to be supplied by such power from the stepping down station at Guelph shall be as follows:—

One-half the power the Company shall require for the operation of the Berlin-Guelph branch; all the power the Company shall require for the operation of the Guelph-Arthur branch, and all the power the Company shall require for the operation of the Guelph-Puslinch Lake branch, and it is further agreed subject to the foregoing proviso that the City shall be credited upon its Contract with the Hydro-Electric Power Commission with and for the amounts of power so to be taken by the said Company hereunder.

13. The Company for itself, its successors and assigns agrees also that it and they will perform, fulfil, observe and keep each of the terms, covenants, stipulations and conditions of an agreement bearing even date herewith between The Guelph Radial Railway Company and the said Peoples Railway Company relating to the Guelph-Puslinch Lake branch and matters incidental thereto and to the said franchise and other things connected with the matters aforesaid as if they were expressly set out in this agreement.

14. The Company for itself, its successors and assigns, also agrees with the said City that it and they will perform, fulfil, observe and keep all the terms, covenants, stipulations, conditions and other matters contained in the By-law of the City to be passed, granting a franchise or franchises to the said People's Railway in and over certain streets of the City of Guelph and in connection with the said branches of the People's Railway, as if they were expressly set out in this agreement.

15. The said Company hereby agrees from time to time to pay the said City its proportion of the cost of the street watering on and of the streets of the City used from time to time by the People's Railway Company and watered by or for the City.

16. The People's Railway agree that if the By-law of the City to provide for aid by the City of Guelph to it to enable it to construct the said branches of the said Railway and the said franchise By-law shall on the submission thereof to the electors fail to carry that they will pay to the City the costs of and incidental to such submission.

17. All questions in difference arising regarding the construction of this Contract and the work to be done, or carried on thereunder shall

shall be referred to the decision of the Ontario Railway and Municipal Board, and either party may at any time make application for such purpose to the said Board upon seven days' notice in writing to the other party, and the decision of the said Board shall be final as to all such matters submitted to it, and the orders of the said Board in respect of said matters shall be carried out by the said parties, and further in case the City shall refuse to subscribe and pay for any portion of stock agreed to be subscribed and paid for as hereinbefore set forth, upon the ground that the Company has not complied with the terms and conditions precedent to its right to call for such subscription and payment according to the true intent and meaning of this agreement, the Company may apply to the said Board upon seven days' written notice to the City and the said Board shall have power to determine whether or not the Company has become entitled under the terms of this agreement, to such subscription and payment, and the order of the Board in that regard shall be binding upon the Company and the City accordingly.

18. This agreement shall take effect if and when the same shall have been ratified by Act of the Legislature of the Province of Ontario.

19. This agreement shall be binding not only on the said City and the said Company but also on their and each of their successors and assigns.

In witness whereof the said parties hereto have hereunto affixed their Corporate Seals.

Signed and delivered and countersigned respectively by Daniel E. Rudd, acting Mayor of the said City, and by Thomas James Moore, Clerk of the said City, and by Nathan Richard Bugg, President of the said Company, and by William Alfred Bugg, Secretary of the said Company.

In the presence of
(Sgd) V. H. HATTIN.

(Sgd) D. E. RUDD, *Acting Mayor*

(Sgd) T. J. MOORE, *City Clerk*.

(Sgd) THE PEOPLES RAILWAY.

N. R. BUGG, *President*

(Sgd) THE PEOPLES RAILWAY.

W. A. BUGG, *Secretary*

CHAPTER 91.

An Act respecting the City of Hamilton.

Assented to 24th March, 1911.

WHEREAS the Municipal Corporation of the City of Preamble.
 Hamilton has, by petition, prayed for special legis-
 lation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the prayer of the said peti-
 tion;

Therefore His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

1.—(1) Where, pursuant to the terms of any Pro-Assessment
 clamation of the Lieutenant-Governor of the Province of of certain
 Ontario, or of any order of the Ontario Railway and Muni- lands an-
 cipal Board, any lands within the Municipality of the City nexed to
 of Hamilton are not subject to assessment and taxation and city..
 chargeable with water and local improvement rates in the
 manner and to the extent as lands in the original portion of
 the said City, it shall be lawful for the owner of any such
 lands and the said Municipality by agreement to provide for
 the assessment of the said lands and for charging such lands
 with taxes, water rates, local improvement rates and other
 municipal charges and assessments of every kind, in like
 manner and to the same extent as lands in the original por-
 tion of the said City not subject to any exemption are asses-
 sed, taxed and charged.

(2) Upon the due registration of any such agree-
 ment heretofore or hereafter made in the Registry Office
 for the City of Hamilton, the lands mentioned in said agree-
 ment shall be subject to assessment and taxation, and charge-
 able with water, local improvement and other rates in like
 manner and to same extent as lands in the original portion
 of the said City not subject to any exemption.

CHAPTER 92.

An Act respecting the Town of Kenora.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Municipal Corporation of the Town of Kenora has petitioned praying that an Act may be passed to confirm and legalize By-law Number 490 of the said Town, a By-law authorizing the said Town to guarantee a further issue of \$50,000 of mortgage debentures of the Tourist Hotel Company, Limited, a copy of which By-law is set out as Schedule "A" to this Act; and whereas it has been shown that the sum of \$100,000 of mortgage debentures authorized to be guaranteed by the Town, under and by the Act passed in the 10th year of His late Majesty's reign, chaptered 117, is insufficient, and that a further sum of \$50,000 is required to carry out the purposes therein set out, of paying the cost of completing the erection and equipment of the Tourist Hotel, in the Town of Kenora, and of paying off and discharging all the liens, charges and encumbrances against the same with respect thereto; and whereas to raise the said further sum of \$50,000 the said Tourist Hotel Company, Limited, proposes to issue and sell mortgage debentures for the repayment of the said amount with interest, in equal annual amounts spread over a period of twenty years, and secured by a first mortgage to trustees, covering all its property, rights and interests, both real and personal, present and future, to rank rateably with the charge or mortgage securing the said \$100,000 of mortgage debentures, and have made application to the said Town of Kenora to guarantee re-payment of the said further issue of mortgage debentures to the amount of \$50,000, which said debentures shall bear even dates with the said issue of \$100,000 of mortgage debentures; and whereas it has been shewn that before passing the said By-law Number 490, it was duly advertised and submitted to a vote of the ratepayers entitled to vote on By-laws creating debts, on January 2nd, 1911, at the time of holding the Municipal elections, when 271 votes were cast in favour of the said By-law and 191 votes against the same, 826 being the total number of persons appearing entitled to vote thereon;

on; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 490 of the Corporation of the Town of Kenora, set out as Schedule "A" hereto, is confirmed and declared to be legal, valid and binding on the said Corporation and on the ratepayers thereof, and the mortgage debentures proposed to be guaranteed by the Town under the authority of said By-law Number 490, may bear the same dates as the above mentioned issue of \$100,000 of mortgage debentures, and in the event of the last mentioned issue of \$100,000 of mortgage debentures being called in and the charge or mortgage securing the same being discharged, a new charge or mortgage may be given to secure repayment of mortgage debentures to the amount of one hundred and fifty thousand dollars in one consecutive issue to rank rateably, being the total sum authorized to be guaranteed by the said by-laws, and it shall not be necessary that it shall appear by any of the said debentures under which of the said by-laws the same is guaranteed.

By-law No.
490 of
Town of
Kenora.

2. Upon the said Tourist Hotel Company, Limited, issuing debentures, guaranteed by the Corporation of the Town of Kenora under or pursuant to the said by-laws or either of them, such debentures shall be absolutely valid and binding upon the said Tourist Hotel Company, Limited, and the validity thereof shall not be open to question in any court on any ground whatever.

Debentures
binding on
Tourist
Hotel Co.

3. It shall be the duty of the Municipal Council of the Corporation of the Town of Kenora before or concurrently with the giving of the said guarantee, to require the said Tourist Hotel Company, Limited, to show to the satisfaction of the said Council, that the property of the said Company covered by the Trust Mortgage in the said by-laws provided for, is held by the said Company by a good and sufficient title and is free and discharged from all liens, charges and incumbrances. Provided, that the said Council at the request of the said Company may execute the guarantee of the said debentures, and consent to the sale thereof upon terms satisfactory to the Council providing for the application of the moneys borrowed upon the said debentures in payment and discharge of all such liens, charges and incumbrances as aforesaid. Provided further that it shall not be necessary for the purchaser of any of the said debentures to inquire as to the validity of the said debentures or to see to the application of the purchase moneys for the same.

Property of
Hotel Co.
to be freed
from
liens, etc.,
before
guarantee
is given.

Proviso.

Proviso.

SCHEDULE

SCHEDULE "A."

By-Law Number 490.

To guarantee additional \$50,000.00 of Mortgage Debentures of the Tourist Hotel Company, Limited.

Whereas By-Law Number 467 of the Town of Kenora was passed with the assent of the Electors entitled to vote thereon, on the 12th day of January, 1910, authorizing the Corporation of the said Town to guarantee the payment of six per cent., twenty-year mortgage debentures to be issued by the Tourist Hotel Company, Limited, to the amount of \$100,000.00 for the purpose of completing the erection and equipment of the Tourist Hotel in the Town of Kenora.

And whereas such By-Law was duly ratified and confirmed, as amended by Ontario Statute, 10 Edward Seventh, Chapter 117, Section 1.

And whereas the said Hotel is practically completed and is fully equipped and in operation, but it has been ascertained that the said sum of One hundred thousand dollars (\$100,000.00) is insufficient to meet the cost thereof.

And whereas the said Company has made application to this Council to guarantee a further issue of six per cent. twenty-year mortgage debentures to the amount of \$50,000.00, being the further amount required to be raised by the Company to meet the cost of completing and equipping the said hotel.

And whereas, owing to the benefits and advantages to be derived by the Town of Kenora generally, from the completion and operation of the said hotel, it is deemed expedient to grant the said application.

Therefore, the Municipal Council of the Corporation of the Town of Kenora in Council assembled, enacts as follows:

1. That this Corporation guarantee a further issue of six per cent., twenty-year mortgage debentures to the amount of fifty thousand dollars to be issued by the Tourist Hotel Company, Limited, and to be secured by a Trust Mortgage covering all its property, rights, interests, both real and personal, present and future, for the purpose of completing the erection and equipment of the Tourist Hotel in the Town of Kenora, such guarantee to be indorsed or printed on each of the said debentures, and shall be signed by the Mayor and Treasurer under the Corporate Seal in the following form:—

"This Debenture is guaranteed by the Corporation of the Town of Kenora.

"Dated the day of 19 .

"Mayor.

"Treasurer."

(Seal.)

Provided that no such guarantee shall be given unless and until satisfactory provisions shall have been made by which during the currency of such debentures the Municipal Council of the Town of Kenora shall have the right, from time to time, to appoint, by resolution, two of its members as directors of said Company, who, without other qualifications, shall have all the rights, powers and privileges of any other directors of said Company, and who shall from time to time be elected by said Company as two of its directors; But it shall not be incumbent upon the purchaser or purchasers

chasers of such debentures to enquire as to the fulfilment of this proviso.

2. That the votes of the qualified electors of the said Town of Kenora will be taken on this By-law by the Deputy Returning Officers hereinafter named, on Monday, the second day of January, one thousand nine hundred and eleven, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

Centre Ward, Polling Subdivision No. 1, at the Town Hall, in the Town of Kenora, by Robert Nairn, Deputy Returning Officer.

Polling Subdivision No. 2, at Cronland's Hall, Oscar Cronland, Deputy Returning Officer

North Ward, Polling Subdivision No. 1, at the Court House, in the Town of Kenora, by William R. Gerrie, Deputy Returning Officer.

Polling Subdivision No. 2, at O. Partington's residence, Park street, Oswald Partington, Deputy Returning Officer.

South Ward, Polling Subdivision No. 1, at J. T. Gunnis' Residence, No. , Second Street South, by J. K. Brydon, Deputy Returning Officer.

Polling Subdivision No. 2, at the Swedish Temperance Hall, 4th Avenue South, by R. B. Donkin, Deputy Returning Officer.

West Ward, at Torrance's Hall, Norman, in the Town of Kenora, by William Setterington, Deputy Returning Officer.

3. That on the 30th day of December, A.D. 1910, at his office in the Town Hall in the Town of Kenora, at the hour of ten o'clock in the forenoon, the Mayor shall appoint, in writing, signed by himself, two persons to attend at the final summing up of the votes by the Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

4. That the Clerk of the Said Municipal Council of the Town of Kenora shall attend at the Council Chamber in the Town Hall in the said Town of Kenora, at the hour of twelve o'clock, noon, on the third day of January, 1911, to sum up the number of votes given for and against this By-law.

5. This By-law is subject to Legislative confirmation, and shall come into force from and after the confirmation of same by the Legislature of the Province of Ontario.

Council Chambers, Kenora, January 9th, 1911.

(Sgd.) D. H. CURRIE,
Mayor.

(Seal.)

(Sgd.) M. McCULLOCH,
Clerk.

We hereby certify the foregoing to be a true and correct copy of By-law No. 490, of the Town of Kenora, finally passed on the 9th day of January, 1911.

(Sgd.) D. H. CURRIE,
Mayor.

(Seal.)

(Sgd.) M. McCULLOCH,
Clerk.

CHAPTER

CHAPTER 93.

An Act to incorporate the Village of Killaloe Station.

Assented to 24th March, 1911.

Preamble.

WHEREAS the rate-payers residing in the unincorporated Village of Fort McDonnell, in the Township of Hagarty, in the County of Renfrew, have by petition set forth that the unincorporated Village of Fort McDonnell is situate on lots numbers 5 and 6 in the 4th Concession and lots numbers 5, 6 and 7 in the 5th Concession of the said Township of Hagarty, amounting in all to about five hundred acres; that the Township of Hagarty is a very large and scattered Township; that the said Village of Fort McDonnell is known generally throughout the District as the Village of Killaloe Station, and that the latter is the name of the Post Office; that the population of the said Village is over five hundred; that the said Village is situated on the line of the Grand Trunk Railway and the assessed value of the property of the Village is over \$80,000; that there is great difficulty in equalizing the values of village and farm properties so as to impose upon each a fair share of taxation; that the Village and its residents require fire protection and it is impossible to procure it so long as the said Village remains a part of the Municipality of the Township of Hagarty; that it is impossible to properly enforce the Public Health Act so long as the said Village remains a portion of the said Township; that it is not convenient to enforce law and order within the said Village; that if the said Village were incorporated, important and necessary improvements which the Township Council at present refuse to undertake would be proceeded with; that although the Village of Fort McDonnell is a Police Village it is not adapted to the requirements of the community, and that it would greatly conduce to the benefit of the said community and travelling public if the said village were incorporated; and whereas the said rate-payers have prayed that the Act may be passed so incorporating the said Village; and whereas it appears that the Petition includes a large majority of the whole number of rate-payers in the said Village; and whereas it is expedient to grant the prayer of the said petition:

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

1. On and after the passing of this Act, the inhabitants of the said Village of Fort McDonnell, comprised within the tenders of the second section of this Act mentioned, there shall be and they are hereby constituted the corporation of both politic, separate and apart from the Township of Hagarty, in which the said Village is now situated, under the name of "The corporation of the Village of Killaloe Station," shall enjoy all such rights, powers and privileges as are now and shall be conferred upon incorporated villages in the Province of Ontario.

2. The said Village of Killaloe Station shall comprise and consist of the lands within the following boundaries, that is to say:

Lots numbers 5 and 6 in the 4th Concession, and lots 5, 6 and 7 in the 5th Concession of the said Township of Hagarty, amounting in all to about five hundred acres, inclusive of all the allowances for roads within or between the said lands.

3. On the 12th day of April, 1911, it shall be lawful for Patrick J. Harrington, Clerk of the Township of Hagarty, in the County of Renfrew, who is hereby appointed returning officer, to hold a nomination for the first election of Reeve and Councillors at some prominent place in said Village at the hour of noon, and he shall preside at such nomination, or in case of his absence the Electors present shall choose from among themselves a Chairman to officiate, who shall have all the powers of the returning officer, and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be thus prescribed by law with respect to incorporated villages.

4. At the said election the qualification of the electors and of the Reeve and Councillors for the said Village shall be the same as that required in Townships, and at all subsequent elections and qualifications of electors and of the Reeve, Councillors and other officers shall be the same as that required in incorporated villages.

5. The Township Clerk of the Township of Hagarty shall furnish to the returning officer upon demand made by him for the same a certified copy of so much of the last revised assessment roll of the said Township as may be required to ascertain the

the persons entitled to vote at said first election, or the collector's roll, or any document, writing or statement that may be required for that purpose.

First meeting of Council.

6. The Reeve and Councillors so to be elected shall hold their first meeting at some prominent place in the said Village of Killaloe Station at the hour of noon on the same day of the week next following the polling, or if there be no polling, on the same day of the week in the next week following the nomination.

Application of 3 Edw. VII., c. 19.

7. Save as otherwise provided by this Act the provisions of *The Consolidated Municipal Act, 1903*, and of all other general Acts respecting Municipal institutions with regard to matters consequent upon the formation of new corporations and the other provisions of the said Acts, applicable to incorporated villages, shall apply to the Village of Killaloe Station in the same manner as if the said Village of Killaloe Station had been incorporated under the provisions of said Acts.

Village detached from township of Hagarty.

8. From and after the passing of this Act the said Village of Killaloe Station shall cease to form a part of the Township of Hagarty, and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Expenses of Act.

9. The expense of obtaining this Act, and all furnishing of documents, copies of papers, writings, deeds or any matters whatsoever required by the Clerk of the said Village, or the officers of the said Village, shall be borne by the said Village and be paid by it to any party that may be entitled thereto.

Electoral district.

10. The said Village of Killaloe Station shall form a part of the electoral district of the south riding of Renfrew.

CHAPTER 94.

An Act to Confirm By-law No. 15 of 1910 of the
City of Kingston.*Assented to 24th March, 1911.*

WHEREAS the Municipal Corporation of the City of Preamble.
Kingston has petitioned praying that an Act may be
passed validating, ratifying and confirming By-Law
No. 15 of 1910 of the said Corporation set out in Schedule
"A" hereto; and whereas before the final passing thereof the
said By-Law was submitted to a vote of the ratepayers in
accordance with the provisions of *The Consolidated Municip-*
al Act, 1903, as to Bonus By-Laws, and was approved by
more than two-thirds of the ratepayers entitled to vote on
the said By-Law; and whereas no opposition has been
offered to the said petition; and whereas it is expedient to
grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario
enacts as follows:—

1. Saving and excepting paragraph 2 thereof, By-law By-Law No.
No. 15 of 1910 of the Municipal Corporation of the City of 15 of 1910
Kingston set forth in Schedule "A" to this Act is confirmed of the City
and declared legal, valid and binding upon the said Corpora- of Kingston
tion and the ratepayers thereof notwithstanding any want of confirmed.
jurisdiction on the part of the said Municipality to pass the
By-law and notwithstanding any defect in substance or in
form of the said By-law or in the manner of passing the
same; and said Corporation is hereby authorized and em-
powered to do all necessary acts for the full and proper carry-
ing out of the said By-law.

2. For school purposes the lands, property and business of Assessment
the said Company shall be assessed and liable to taxation as for
provided by *The Assessment Act*. school
purposes.

SCHEDULE "A."
By-LAW No. 15 OF 1910.

A By-Law to partially exempt the property of the Kingston Shipbuilding Company (Limited), passed 28th March, 1910.

Whereas, William John Fair, Hiram Augustus Calvin, John McKelvey, James Matthew Smith, Horace Bruce Smith, Simon Dymont, and Alexander McDougall have represented to the Council of the Corporation of the City of Kingston that, as Provisional Directors of the Kingston Shipbuilding Company (Limited) they propose to acquire for the said Company from the Crown as represented by the Government of the Dominion of Canada a lease for the period of twenty-one years from the fifteenth day of April, A.D. 1910, of the property now held and occupied by the said Government in the City of Kingston and known as the Government Dry Dock premises and not already at this date under lease to any other person or persons;

And whereas the said parties have further represented that they have incorporated as a Joint Stock Company to carry on, on the above mentioned premises the business of shipbuilding and ship repairing and for that purpose propose to erect and establish a suitable plant on said premises as hereinafter mentioned;

And whereas the said parties have applied to said Council for a partial exemption from taxation of their said proposed plant and premises as hereinafter particularly mentioned;

And whereas the establishment of the proposed plant and the carrying on of the said proposed business will afford profitable employment to workmen and labourers and will increase the facilities of this city as a port of shipping and it is therefore expedient to grant the application of the said parties, but subject to the terms and conditions hereinafter set forth;

Be it therefore enacted by the Council of the Corporation of the City of Kingston as follows:

1. The said property so proposed to be leased by the said Company shall be exempt from municipal taxation for a period of ten years from the first of January, 1910, and from and after the expiration of said period for a further period of ten years and said exemption shall extend to and include the business tax in respect of said business and premises.

2. During each year of the said two successive periods of ten years, the assessment of the said business and premises shall be fixed at the sum of \$50,000 and upon said sum of \$50,000 the said Company shall in each year pay school taxes and rates.

3. This by-law is passed and the said partial exemption from taxation is granted subject to the following conditions:

(a) The said Company shall during the first year of the term of said exemption expend in buildings, plant and machinery to be erected and placed upon the said property the sum of \$50,000, and during the said term or terms of exemption from taxation shall maintain their said buildings, plant and machinery at a value equivalent at least to the sum of \$50,000.

(b) The Company shall in each of the first three years of the first term of exemption of ten years expend in wages to residents of the said City at least \$30,000 and shall thereafter in each succeeding year of said successive terms of exemption expend in wages to residents of the said City at least \$40,000, and in case in any year the amount so spent for wages shall fall short of the sum hereby stipulated the said Company shall pay to the said Corporation the Municipal taxes properly chargeable and rateable against the said property upon the basis of an assessment of \$50,000, and said Municipal taxes for such year shall be levied and collected as by law provided.

(c) The said Company shall permit the Corporation by its officers at all reasonable times to enter upon the said premises and to examine their books of account and vouchers for the purpose of enabling the Corporation to determine whether the conditions upon which said exemption from taxation has been granted are being observed and performed by the said Company.

4. In case upon its submission to the ratepayers of said city this by-law shall be approved as by law required, the said Corporation shall apply to the Legislative Assembly of the Province of Ontario for an act ratifying and confirming the same, and the said Company shall pay the costs necessarily incurred in procuring the passage of said Act.

5. This by-law shall come in force and take effect on its passing, so far as its provisions are within the scope of the powers of this Council.

6. The votes of the duly qualified electors of the said Municipality shall be taken upon this by-law on the 21st day of March, 1910, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day at the following places in the said Municipality, by the following Deputy Returning Officers, namely:—

Sydenham Ward, Polling Subdivision No. 1, at No. 42 Wellington Street.

W. C. McDonald, Deputy Returning Officer.

Sydenham Ward, Polling Subdivision No. 2, at No. 96 William Street.

Joseph Brophy, Deputy Returning Officer.

Ontario Ward, Polling Subdivision No. 3, at Ontario Hall.

John Orr, Deputy Returning Officer.

Ontario Ward, Polling Subdivision No. 4, at No. 210 Bagot Street.

John Johnston, Deputy Returning Officer.

St. Lawrence Ward, Polling Subdivision No. 5, at No. 345 King Street.

A. E. Loscombe, Deputy Returning Officer.

St. Lawrence Ward, Polling Subdivision No. 6, at No. 316 Princess Street.

Geo. Lennox, Deputy Returning Officer.

Cataraqui Ward, Polling Subdivision No. 7, at No. 216 Wellington Street.

Harry Tweddell, Deputy Returning Officer.

Cataraqui Ward, Polling Subdivision No. 8, at No. 229 Wellington Street.

Frank Gallagher, Deputy Returning Officer.

Cataraqui Ward, Polling Subdivision No. 9, at No. 43 Bagot Street.

William Woods, Deputy Returning Officer.

Cataraqui Ward, Polling Subdivision No. 10, at corner Montreal and John Streets.

Jas. A. Donaldson, Deputy Returning Officer.

Frontenac Ward, Polling Subdivision No. 11, at 267 Princess Street

John Anderson, Deputy Returning Officer.

Frontenac Ward, Polling Subdivision No. 12, at No. 83 Colborne Street.

Thos. Funnell, Deputy Returning Officer.

Frontenac Ward, Polling Subdivision No. 13, at 41 Colborne Street.

Wm. Dean, Deputy Returning Officer.

Frontenac Ward, Polling Subdivision No. 14, at 58 John Street.

Robert W. Allen, Deputy Returning Officer.

Frontenac

Frontenac Ward, Polling Subdivision No. 15, at No. 21 John Street.
Wm. J. Robertson, Deputy Returning Officer.

Rideau Ward, Polling Subdivision No. 16, at corner Colborne and
Division Streets.
Wm. Saunders, Deputy Returning Officer.

Rideau Ward, Polling Subdivision No. 17, at No. 619 Princess Street.
Harry Sharpe, Deputy Returning Officer.

Rideau Ward, Polling Subdivision No. 18, at No. 346 Brock Street.
Richard James, Deputy Returning Officer.

Rideau Ward, Polling Subdivision No. 19, at No. 34 U. William
Street.
Herbert Holder, Deputy Returning Officer.

Rideau Ward, Polling Subdivision No. 20, at No. 346 University
Avenue.
Oscar Telgmann, Deputy Returning Officer.

Rideau Ward, Polling Subdivision No. 21, at No. 670 Princess Street.
John Peters, Deputy Returning Officer.

Victoria Ward, Polling Subdivision No. 22, at No. 242 Earl Street.
Andrew McMahon, Deputy Returning Officer.

Victoria Ward, Polling Subdivision No. 23, at No. 3 Division Street.
Chester Wood, Deputy Returning Officer.

Victoria Ward, Polling Subdivision No. 24, at No. 57 King Street.
Alfred Simmons, Deputy Returning Officer.

Victoria Ward, Polling Subdivision No. 25, at corner Beverley and
King Streets.
Harry Bates, Deputy Returning Officer.

7. On the 17th day of March, A.D. 1910, at the hour of eleven o'clock in the forenoon, the Mayor of the said City shall attend at the office of the City Clerk in said City for the purpose of appointing and shall appoint in writing signed by him, two persons to attend at the final summing up of the votes given for and against this by-law, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law which places, day and hour are as herein fixed for said purpose.

8. On the 22nd day of March, A.D. 1910, at the hour of two o'clock in the afternoon, at his office in the City of Kingston, the Clerk of the said Municipality shall attend and sum up the number of votes for and against this by-law.

(Sgd.) D. COUPER, *Mayor*.
(L.S.)

(Sgd.) N. N. SANDS, *City Clerk*.

CHAPTER 95.

An Act respecting the City of London.

Assented to 24th March, 1911.

WHEREAS the Corporation of the City of London has Preamble
by petition represented that By-laws numbered 3561,
3562, 3563, 3564, 3565, 3566, 3567, and 3568 set out as
Schedules "A," "B," "C," "D," "E," "F," "G" and
"H," fixing the assessments of The McClary Manufac-
turing Company, D. S. Perrin & Company, Limited,
The McCormick Manufacturing Company, Limited, The
George White & Sons Company, Limited, Messrs. Francis
E. Leonard and Charles W. Leonard (trading under the name
and firm of E. Leonard & Sons), The London Foundry Com-
pany, Limited, The Wortman & Ward Company, Limited,
and The London Brass Works Company of London, Ontario,
Limited, as therein provided, were submitted to the rate-
payers and that out of 7,389 ratepayers entitled to vote the
result was as follows:

By-law		For.	Against.	Majority.
3561	McClary	3182	749	2433
3562	Perrin	2788	1078	1710
3563	McCormick	2808	1028	1780
3564	White	2791	914	1877
3565	Leonard	2920	891	2029
3566	London Foundry	2789	1009	1780
3567	Wortman	2967	876	2091
3568	London Brass	2729	1056	1673

that the said Council did, on the nineteenth day
of December, A.D. 1910, pass certain By-laws
numbered 3570, 3571 and 3572 to levy the cost of the
construction of certain local improvements therein mentioned,
and for the issue of debentures to pay for the cost of the
same; that the said Council did, on the nineteenth day of
December, A.D. 1910, pass a By-law numbered 3573 to
consolidate the several issues of debentures mentioned in the
said By-laws numbered 3570, 3571 and 3572; that the said
Council did, on the second day of August, A.D. 1910, pass
a By-law numbered 3531 to provide for the construction of
underground

underground conduits for carrying Hydro-Electric and other wires, and of cables and wires for electric light and power as therein mentioned, on a portion of Richmond Street; that the said Council did, on the second day of August, A.D. 1910, pass a By-law numbered 3532 to provide for the construction of underground conduits for carrying Hydro-Electric and other wires, and of cables and wires for electric light and power as therein mentioned, on a portion of Dundas Street; that the said Council did, on the ninth day of January, A.D. 1911, pass a By-law numbered 3588, after it had received the assent of the electors of the City qualified to vote on by-laws for the creation of debts, to provide for the issue of \$75,000.00 debentures for the purpose of obtaining such real and personal property as may be required for a City Hall, and for erecting upon such real property a City Hall; that the said Council did, on the twentieth day of June, A.D. 1910, pass a By-law numbered 3517 to provide for the construction of a pavement on a portion of Richmond Street; that the said Council did, on the twentieth day of June, A.D. 1910, pass a By-law numbered 3518 to provide for the construction of a pavement on a portion of Dundas Street; and whereas the said Corporation has further represented that the said By-laws should be confirmed and declared to be legal, valid and binding; and whereas the said Corporation has further represented that the whole of the proceeds of the \$60,000.00 debentures authorized to be issued for extensions to the sewerage system by By-law Number 2919, which was confirmed and validated by *The City of London Act, 1907*, will not be required to pay for the extensions mentioned in the said By-law and in section three of *The City of London Act, 1908*, and that there will be a surplus, which the said Corporation wishes to apply in payment of the cost of the extensions to the said sewerage system made during the year 1910 to the extent of \$930.00; and whereas the said Corporation has further represented that it is expedient to amend *The London Waterworks Act, 1873*, and amending Acts, by providing that the Water Commissioners may, from time to time, as they may see fit, place and maintain in any building or other premises in which water is delivered, meters upon any service pipes or connection within or without any house or building, and may, from time to time, fix the price to be paid for the use of such meter, and that in fixing the rents, rates or prices to be paid for the supply or use of water by the Water Commissioners, they shall have the right to use their discretion as to the rents, rates or prices to be charged to the various consumers of water, and, wherever a meter has been placed, may charge such prices as they may, from time to time, see fit for the water used as shown by such meter; and whereas the said Corporation has further represented that it is expedient to amend *The London Waterworks Act*,

1873, by providing that the Water Commissioners for the City of London shall, with respect to the construction, maintenance and operation of the electric light plant and machinery of the said Corporation for the distribution of electric light and power, have the like powers as are by sections three and five of *The London Waterworks Act, 1873*, conferred upon them with respect to the London Waterworks; and whereas the said Corporation has requested that authority be given to issue \$10,000.00 debentures for the purchase of a fire engine, making alterations in fire halls to accommodate the same, and for such other expenses, if any, connected therewith, without submitting the same to or receiving the assent of the electors, and that power should be granted to the said Corporation to acquire, and, if necessary or expedient, to expropriate and take possession of such lands, with or without erections thereon, within the City of London, as the Council of the said Corporation may deem necessary or expedient for the erection of a new City Hall, and to sell at such price and on such terms as the said Council may deem necessary or expedient, the present City Hall and Police Station, and the lands upon which the same are situate; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Subject to the provisions of subsection 2, the By-laws in Schedules "A," "B," "C," "D," "E," "F," "G," and "H" hereto are confirmed and declared to be legal, valid and binding.

(2) The periods of the fixed assessments under the said By-laws shall be for 10 years only from the respective dates in said By-laws mentioned instead of for fifteen years as therein provided.

2. The By-laws of the Corporation of the City of London, specified in Schedule "I" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are confirmed and declared to be legal, valid and binding.

3. The By-laws of the Corporation of the City of London, specified in Schedule "J" hereto, and all debentures to be issued thereunder, and all assessments to be made for the payment thereof, are confirmed and declared to be legal, valid and binding.

Application
of Surplus
under
By-law 2919.

4. The Corporation of the City of London shall be entitled, out of the proceeds of the \$60,000 debentures authorized by By-law numbered 2919 to be issued, which was confirmed and validated by *The City of London Act, 1907*, to apply the balance thereof which shall not be required to pay for the extensions to the sewerage system mentioned in the said By-law numbered 2919, and further extensions referred to in section 3 of *The City of London Act, 1908*, to the extent of \$930.00, to pay for the extension to the said sewerage system made in 1910, along the Hamilton Road from Anderson Avenue to Egerton Street.

Powers of
Water
Commis-
sioners
re Electric
Light
System.

5. The Water Commissioners for the City of London shall, for the purpose of the construction, maintenance and operation, or any of them, of the electric light plant and machinery of the Corporation of the City of London for the distribution of electric light and power, have the like powers as are by sections three and five of *The London Waterworks Act, 1873*, conferred upon them with respect to the London Waterworks.

Power to
Borrow
\$10,000 for
Fire Engine.

6. Notwithstanding the provisions of any Act or law, the Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of \$10,000.00, and may issue debentures therefor, for any period not exceeding thirty years from the date of the issue thereof and at such rate of interest, not exceeding five per cent. per annum, as the Council of the said Corporation may determine, for the purpose of purchasing a fire engine, making alterations in fire halls to accommodate the same, and for such other expenses, if any, connected, therewith.

Assent of
Electors
Not
Required.

7. It shall not be necessary that the By-law for the purposes mentioned in the next preceding section shall be submitted to or receive the assent of the electors of the said City, but all the other provisions of *The Consolidated Municipal Act, 1903*, which are applicable and which are not inconsistent with the provisions of this Act shall apply to said By-law.

Irregularity
in Form
Not to
Invalidate.

8. No irregularity in the form of the debentures issued under the authority of this Act, or of any By-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the Corporation of the City of London for the recovery of the amount thereof, or interest thereon, or any part thereof.

Expropria-
tion of
Land for
City Hall.

9. The Corporation of the City of London may purchase or acquire and, without the consent of the owner thereof, enter upon, take and expropriate any lands necessary or expedient for the construction of the new City Hall, and shall make due compensation under the provisions of *The Consolidated Municipal*

cipal Act, 1903, and amending Acts, for all land so taken, such compensation to be ascertained and determined, in case the parties cannot agree, by arbitration under the provisions of the said Act.

10. The Corporation of the City of London may sell at such price and on such terms as the Council of the Corporation may deem expedient, the City Hall and the Police Station in the said City of London, or either of them, and the lands upon which the same are situate, the lands upon which the City Hall is situate being the southerly fifty-five feet of lot number eleven (11) on the south side of Dundas Street and the northerly fifty-five feet of lot number eleven (11) on the north side of King Street in the said city, and may convey the same to the purchaser or purchasers thereof at such time within five years from the passing of this Act, as the said Council may see fit, but nothing in this section contained shall prejudice or affect the rights (if any) of the adjoining property owners to an easement or easements in or over the said lands upon which the said City Hall is situate.

Power to
Sell Old
City Hall
and Police
Station.

11. *The London Waterworks Act, 1873*, is amended by adding thereto the following sections:—

36 V. c.
102,
Amended.

14a. Any person authorized by the Commissioners for that purpose shall have free access at proper hours of the day, and upon reasonable notice given and request made, or, in case of the written authority of one of the Commissioners given in respect of the special case, without notice, to all parts of every building or other premises in which water is delivered or consumed, for the purpose of inspecting or repairing, or for the purpose of altering or disconnecting any service pipe within or without any house or building as the Commissioners may deem expedient, or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for that purpose, or for the purpose of protecting or of regulating the use of such meter, may set or alter the position of the same, or of any pipe, connection, or tap, and may alter or disconnect any service pipe, and may fix the price to be paid for the use of such meter, and the times when, and the manner in which, the same shall be payable, and may also charge for and recover the expenses of such alterations; and such price, and the expense of such alterations may be collected in the same manner as water rates.

Power to
Inspect
Premises.

Fixing
Water
Rates.

14b. In fixing the rents, rates or prices to be paid for the supply or use of water from the Waterworks, the Commissioners shall have the right, from time to time, to use their discretion as to the rents, rates or prices to be charged to the various consumers of water, and, wherever a meter has been placed, may charge such prices as they may, from time to time, see fit for the water used as shown by such meter.

Power of
municipal-
ities to
agree with
London
Health
Association.

12. Any municipality in this Province may from time to time agree with The London Health Association, which may also so agree, for the maintenance by the said Association, in the Sanatorium for the treatment of consumptives erected by the said Association, of indigent and other persons belonging to or found in the municipality on such terms, and for such time or times, as may be agreed upon, and may also from time to time contribute towards the cost of the erection of such Sanatorium, and of any extensions, alterations or additions thereto, on such terms as may be agreed upon, and the Mayor of any City, entering into an agreement with the said Association as aforesaid, shall, during the continuance of such agreement be *ex-officio* a Director of the said Association.

Short
Title.

13. This Act may be known and cited as *The City of London Act, 1911*.

SCHEDULE "A."

BY-LAW No. 3561 RELATING TO THE ASSESSMENT OF THE MCCLARY MANUFACTURING COMPANY.

Whereas by By-law Number 1951 of the City of London, passed on the 13th day of January, A.D. 1902, the real and personal property of The McClary Manufacturing Company, used and employed by the said Company in the business which it then carried on, or might thereafter carry on in the said City of London, should not, for the period of ten years from the first day of January, A.D. 1903, be assessed for any purpose at a greater sum than \$150,000 in any of the said years;

And whereas the said By-law was validated by an Act of the Legislature of the Province of Ontario passed in the second year of His late Majesty's reign, and intituled "An Act respecting the City of London";

And whereas the said Company contemplates a considerable extension of their business in the said City of London;

And whereas the said Company have requested that their assessment for the period of fifteen years from the first day of January, A.D. 1913, be fixed at \$200,000.00

And whereas it will be greatly in the interests of the said City of London, and the public generally, that the request of the said Company be granted.

Be

Be it therefore enacted by the Municipal Council of the Corporation of the City of London, as follows:—

1. That for the period of fifteen years from the first day of January, A.D. 1913, the real and personal property of The McClary Manufacturing Company, used by the said Company in the business which it now carries on, or may hereafter carry on, in the said City of London, shall not be assessed for any purpose at a greater sum than \$200,000.00 in any of the said years, except for taxation for school purposes and for local improvements.

2. That a vote of the electors of the City of London qualified to vote on a By-law for the creation of debts only, be taken at the same time, by the same officers, and at the same places as the votes for the election of Aldermen for the said City of London at the next ensuing elections are taken.

3. That the question upon which the vote shall be taken shall be "For or against the expediency of fixing the assessment of The McClary Manufacturing Company as in this By-law provided for fifteen years from the first day of January, A.D. 1913, at \$200,000.00 except for taxation for school purposes and for local improvements."

4. The procedure to be taken for such vote shall, with such variations as may be necessary, be the procedure prescribed for use in voting on By-laws for the creation of debts.

5. That the votes taken upon the question shall be taken by ballot and the Clerk shall sum up the votes and declare the result at the same time as the result of the election of the Aldermen for the said City of London is declared.

6. That Section One of this By-law shall not take effect unless and until it has been confirmed by an Act of the Legislature of Ontario.

Passed in open Council this fifth day of December, A.D. 1910.

(Sgd.) S. BAKER, *Clerk.*
(Seal.)

(Sgd.) J. H. A. BEATTIE, *Mayor.*

SCHEDULE "B."

BY-LAW No. 3562 RELATING TO THE ASSESSMENT OF D. S. PERRIN & COMPANY, LIMITED.

Whereas by By-law No. 1136 of the City of London, passed on the 3rd day of April, A.D. 1899, the manufacturing establishment of Daniel S. Perrin, situate on the north side of Dundas Street and south side of Carling Street, in the Second Ward, in the said City of London, was exempted from taxation for a period of ten years from the third day of April, A.D. 1899, in so far as each annual assessment of the same during the said period should exceed the sum of \$42,000.00; provided, however, that such exemption should not include exemption from taxation for street watering, city water rates or rates which were then, or might or should thereafter be imposed in respect of local improvements constructed, or which should be constructed, under the local improvement clauses of *The Municipal Act*, or any of them, and provided also that such exemption should not include school taxes.

And whereas D. S. Perrin & Company, Limited, who are the successors of the said Daniel S. Perrin, have requested that their assessment for the period of fifteen years from the first day of January, A.D. 1911, be fixed at \$67,000.

And

And whereas it will be greatly in the interest of the said City of London, and the public generally, that the request of the said Company be granted.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That for the period of fifteen years from the first day of January, A.D. 1911, the real and personal property of D. S. Perrin & Company, Limited, used by the said Company in the business which it now carries on, or may hereafter carry on, in the said City of London, shall not be assessed for any purpose at a greater sum than \$67,000 in any of the said years, except for taxation for school purposes and for local improvements.

2. That a vote of the electors of the City of London qualified to vote on a By-law for the creation of debts only, be taken at the same time, by the same officers, and at the same places as the votes for the election of Aldermen for the said City of London at the next ensuing elections are taken.

3. That the question upon which the vote shall be taken shall be "For or against the expediency of fixing the assessment of D. S. Perrin & Company, Limited, as in this By-law provided, for fifteen years from the 1st day of January, A.D. 1911, at \$67,000, except for taxation for school purposes and for local improvements."

4. The procedure to be taken for such vote shall, with such variations as may be necessary, be the procedure prescribed for use in voting on By-laws for the creation of debts.

5. That the votes taken upon the question shall be taken by ballot, and the Clerk shall sum up the votes and declare the result at the same time as the result of the election of the Aldermen for the said City of London is declared.

6. That Section One of this By-law shall not take effect unless and until it has been confirmed by an Act of the Legislature of Ontario.

Passed in open Council this fifth day of December, A.D. 1910.

(Sgd.) S. BAKER, *Clerk.*
(Seal.)

(Sgd.) J. H. A. BEATTIE, *Mayor.*

SCHEDULE "C."

BY-LAW NO. 3563 RELATING TO THE ASSESSMENT OF THE MCCORMICK MANUFACTURING COMPANY, LIMITED.

Whereas by By-law No. 1067 of the City of London, passed on the 23rd day of May, A.D. 1898, the manufacturing establishment of The McCormick Manufacturing Company, Limited, on the south side of Dundas Street and the east side of Wellington Street, in the said City of London, was exempted from taxation for a period of ten years from the first day of January, A.D. 1899, in so far as each annual assessment of the same during the said period should exceed the sum of \$50,000.00; provided, however, that such exemption should not include exemption from taxation for street watering, city water rates or rates which were then, or might or should thereafter be imposed in respect of local improvements constructed, or which should be constructed under the local improvement clauses of *The Municipal Act*, or any of them, and provided also that such exemption should not include school taxes.

And

And whereas the said Company have requested that their assessment for the period of fifteen years from the first day of January, A.D. 1911, be fixed at \$75,000.

And whereas it will be greatly in the interest of the said City of London, and the public generally, that the request of the said Company be granted.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That for the period of fifteen years from the first day of January, A.D. 1911, the real and personal property of The McCormick Manufacturing Company, Limited, used by the said Company in the business which it now carries on, or may hereafter carry on in the said City of London, shall not be assessed for any purpose at a greater sum than \$75,000 in any of the said years, except for taxation for school purposes and for local improvements.

2. That a vote of the electors of the City of London qualified to vote on a By-law for the creation of debts only be taken at the same time, by the same officers, and at the same places as the votes for the election of Aldermen for the said City of London at the next ensuing elections are taken.

3. That the question upon which the vote shall be taken shall be "For or against the expediency of fixing the assessment of The McCormick Manufacturing Company, Limited, as in this By-law provided, for fifteen years from the first day of January, A.D. 1911, at \$75,000 except for taxation for school purposes and for local improvements."

4. The procedure to be taken for such vote shall, with such variations as may be necessary, be the procedure prescribed for use in voting on By-laws for the creation of debts.

5. That the votes taken upon the question shall be taken by ballot, and the Clerk shall sum up the votes and declare the result at the same time as the result of the elections of the Aldermen for the said City of London is declared.

6. That Section One of this By-law shall not take effect unless and until it has been confirmed by an Act of the Legislature of Ontario.

Passed in open Council this fifth day of December, A.D. 1910.

(Sgd.) S. BAKER, *Clerk*.
(Seal.)

(Sgd.) J. H. A. BEATTIE, *Mayor*.

SCHEDULE "D."

BY-LAW NO. 3564 RELATING TO THE ASSESSMENT OF THE GEORGE WHITE & SONS COMPANY, LIMITED.

Whereas by By-law No. 1952 of the City of London, passed on the 13th day of January, A.D. 1902, the real and personal property of The George White & Sons Company, Limited, used and employed by the said Company in the business which it then carried on, or might thereafter carry on, in the said City of London, should not, for the period of ten years from the first day of January, A.D. 1903, be assessed for any purpose at a greater sum than \$17,000.00 in any of the said years.

And

And whereas the said By-law was validated by an Act of the Legislature of the Province of Ontario passed in the second year of His late Majesty's reign, and intituled *An Act respecting the City of London.*"

And whereas the said Company contemplate a considerable extension of their business in the said City of London.

And whereas the said Company have requested that their assessment for the period of fifteen years from the first day of January, A.D. 1913, be fixed at \$25,000.

And whereas it will be greatly in the interest of the said City of London, and the public generally, that the request of the said Company be granted.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That for the period of fifteen years from the first day of January, A.D. 1913, the real and personal property of The George White & Sons Company, Limited, used by the said Company in the business which it now carries on, or may hereafter carry on, in the said City of London, shall not be assessed for any purpose at a greater sum than \$25,000 in any of the said years, except for taxation for school purposes and for local improvements.

2. That a vote of the electors of the City of London qualified to vote on a By-law for the creation of debts only be taken at the same time, by the same officers, and at the same places as the votes for the election of Aldermen for the said City of London at the next ensuing elections are taken.

3. That the question upon which the vote shall be taken shall be "For or against the expediency of fixing the assessment of The George White & Sons Company, Limited, as in this By-law provided, for fifteen years from the first day of January, A.D. 1913, at \$25,000, except for taxation for school purposes and for local improvements.

4. The procedure to be taken for such vote shall, with such variations as may be necessary, be the procedure prescribed for use in voting on By-laws for the creation of debts.

5. That the votes taken upon the question shall be taken by ballot, and the Clerk shall sum up the votes and declare the result at the same time as the result of the election of the Aldermen for the said City of London is declared.

6. That Section One of this By-law shall not take effect unless and until it has been confirmed by an Act of the Legislature of Ontario.

Passed in open Council this fifth day of December, A.D. 1910.

(Sgd.) S. BAKER, *Clerk.*
(Seal.)

(Sgd.) J. H. A. BEATTIE, *Mayor.*

SCHEDULE

SCHEDULE "E."

BY-LAW No. 3565 RELATING TO THE ASSESSMENT OF
MESSRS. E. LEONARD & SONS.

Whereas by By-law No. 1159 of the City of London passed on the 10th day of July, A.D. 1899, the manufacturing establishment of Francis E. Leonard and Charles W. Leonard, of the said City of London, carrying on business under the name and firm of E. Leonard & Sons, in the Third Ward, in the said City of London, was exempted from taxation so long during the period of five years from the passing of the said By-law as the said firm employed in their business only persons residing within the limits of the City of London, and did not employ in their said business any person or persons residing outside of the limits of the said City, except those who were in their employment on the fifteenth day of December, A.D. 1890, in so far as each annual assessment of the same during the said period should exceed the sum of \$70,000.00; provided, however, that such exemption should not include exemption from taxation for street watering, city water rates or rates which were then, or might or should thereafter be, imposed in respect of local improvements constructed, or which should be constructed under the local improvement clauses of *The Municipal Act*, or any of them. Provided also that such exemption should not include school taxes, and that should the said firm purchase additional lands to be used in connection with their business, the same should not be exempt from taxation.

And whereas the said firm have requested that their assessment for the period of fifteen years from the first day of January, A.D. 1911, be fixed at \$45,000.

And whereas it will be greatly in the interest of the said City of London, and the public generally, that the request of the said firm be granted.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That for the period of fifteen years from the first day of January, A.D. 1911, the real and personal property of the said firm of E. Leonard & Sons, used by them in the business which they now carry on, or may hereafter carry on, in the said City of London, shall not be assessed for any purpose at a greater sum than \$45,000 in any of the said years, except for taxation for school purposes and for local improvements.

2. That a vote of the electors of the City of London qualified to vote on a By-law for the creation of debts only be taken at the same time, by the same officers, and at the same places as the votes for the election of Aldermen for the said City of London at the next ensuing elections are taken.

3. That the question upon which the vote shall be taken shall be "For or against the expediency of fixing the assessment of E. Leonard & Sons, as in this By-law provided, for fifteen years from the first day of January, A.D. 1911, at \$45,000, except for taxation for school purposes and for local improvements."

4. The procedure to be taken for such vote shall, with such variations as may be necessary, be the procedure prescribed for use in voting on By-laws for the creation of debts.

5. That the votes taken upon the question shall be taken by ballot, and the Clerk shall sum up the votes and declare the result at the same time as the result of the election of the Aldermen for the said City of London is declared.

That

That Section One of this By-law shall not take effect unless and until it has been confirmed by an Act of the Legislature of Ontario.

Passed in open Council this fifth day of December, A.D. 1910.

(Sgd.) S. BAKER, *Clerk.*
(Seal.)

(Sgd.) J. H. A. BEATTIE, *Mayor.*

SCHEDULE 'F.'

BY-LAW No. 3566 RELATING TO THE ASSESSMENT OF THE LONDON FOUNDRY COMPANY, LIMITED.

Whereas by By-law No. 1106 of the City of London, passed on the 19th day of December, A.D. 1898, the manufacturing establishment of The London Foundry Company, Limited, situate on the south-west corner of King and Thames Streets, in the first ward, in the said City of London, was exempted from taxation for a period of ten years from the 19th day of December, A.D. 1898, in so far as each annual assessment of the same, during the said period, should exceed the sum of \$5,000.00; provided, however, that such exemption should not include exemption from taxation for street watering, city water rates or rates which were then, or might or should thereafter be imposed in respect of local improvements constructed, or which should be constructed under the local improvement clauses of *The Municipal Act*, or any of them, and provided also that such exemption should not include school taxes.

And whereas the said Company have requested that their assessment for the period of fifteen years from the 1st day of January, A.D. 1911, be fixed at \$7,500.

And whereas it will be greatly in the interest of the said City of London and the public generally that the request of the said Company be granted.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That for the period of fifteen years from the 1st day of January, A.D. 1911, the real and personal property of The London Foundry Company, Limited, used by the said Company in the business which it now carries on, or may hereafter carry on in the said City of London, shall not be assessed for any purpose at a greater sum than \$7,500, in any of the said years, except for taxation for school purposes and for local improvements.

2. That a vote of the electors of the City of London qualified to vote on a By-law for the creation of debts only, be taken at the same time, by the same officers, and at the same places as the votes for the election of aldermen for the said City of London at the next ensuing elections are taken.

3. That the question upon which the vote shall be taken shall be "For or against the expediency of fixing the assessment of The London Foundry Company, Limited, as in this By-law provided, for fifteen years from the 1st day of January, A.D. 1911, at \$7,500 except for taxation for school purposes and for local improvements."

4. The procedure to be taken for such vote shall, with such variations as may be necessary, be the procedure prescribed for use in voting on by-laws for the creation of debts.

5. That the votes taken upon the question shall be taken by ballot, and the Clerk shall sum up the votes and declare the result at the same time as the result of the election of the aldermen for the said City of London is declared.

6. That section one of this By-law shall not take effect unless and until it has been confirmed by an Act of the Legislature of Ontario.

Passed in open Council this fifth day of December, A.D. 1910.

(Sgd.) S. BAKER, *Clerk*.

(Seal.)

(Sgd.) J. H. A. BEATTIE, *Mayor*.

SCHEDULE "G."

BY-LAW No. 3567, RELATING TO THE ASSESSMENT OF THE WORTMAN & WARD COMPANY, LIMITED.

Whereas The Wortman and Ward Company, Limited, have requested that their assessment for the period of fifteen years from the first day of January, A.D. 1911, be fixed at \$10,000.00.

And whereas it will be greatly in the interest of the City of London, and the public generally, that the request of the said Company be granted.

Be it therefor enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That for the period of fifteen years from the first day of January, A.D. 1911, the real and personal property of The Wortman and Ward Company, Limited, used by the said Company in the business which it now carries on, or may hereafter carry on in the said City of London, shall not be assessed for any purpose at a greater sum than \$10,000 in any of the said years, except for taxation for school purposes and for local improvements.

2. That a vote of the electors of the City of London qualified to vote on a By-law for the creation of debts only, be taken at the same time, by the same officers, and at the same places as the votes for the election of aldermen for the said City of London at the next ensuing elections are taken.

3. That the question upon which the vote shall be taken shall be "For or against the expediency of fixing the assessment of The Wortman and Ward Company, Limited, as in this By-law provided, for fifteen years from the first day of January, A.D. 1911, at \$10,000.00, except for taxation for school purposes and for local improvements."

4. The procedure to be taken for such vote shall, with such variations as may be necessary, be the procedure prescribed for use in voting on by-laws for the creation of debts.

5. That the votes taken upon the question shall be taken by ballot, and the Clerk shall sum up the votes and declare the result at the same time as the result of the election of the aldermen for the said City of London is declared.

6. That section 1 of this By-law shall not take effect unless and until it has been confirmed by an Act of the Legislature of Ontario.

Passed in open Council this fifth day of December, A.D. 1910.

(Sgd.) S. BAKER, *Clerk*.

(Seal.)

(Sgd.) J. H. A. BEATTIE, *Mayor*.

SCHEDULE

SCHEDULE "H."

BY-LAW NO. 3568, RELATING TO THE ASSESSMENT OF THE LONDON
BRASS WORKS COMPANY OF LONDON, ONTARIO, LIMITED.

Whereas the London Brass Works Company of London, Ontario, Limited, have requested that their assessment for the period of fifteen years from the first day of January, A.D. 1911, be fixed at \$5,000.00.

And whereas it will be greatly in the interest of the City of London, and the public generally, that the request of the said Company be granted.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That for the period of fifteen years from the first day of January, A.D. 1911, the real and personal property of The London Brass Works Company of London, Ontario, Limited, used by the said Company in the business which it now carries on, or may hereafter carry on in the said City of London, shall not be assessed for any purpose at a greater sum than \$5,000.00 in any of the said years, except for taxation for school purposes and for local improvements.

2. That a vote of the electors of the City of London qualified to vote on a by-law for the creation of debts only, be taken at the same time, by the same officers, and at the same places as the votes for the election of aldermen for the said City of London at the next ensuing elections are taken.

3. That the question upon which the vote shall be taken shall be "For or against the expediency of fixing the assessment of The London Brass Works Company of London, Ontario, Limited, as in this By-law provided, for fifteen years from the first day of January, A.D. 1911, at \$5,000.00, except for taxation for school purposes and for local improvements."

4. The procedure to be taken for such vote shall, with such variations as may be necessary, be the procedure prescribed for use in voting on by-laws for the creation of debts.

5. That the votes taken upon the question shall be taken by ballot and the Clerk shall sum up the votes and declare the result at the same time as the result of the election of the aldermen for the said City of London is declared.

6. That section one of this By-law shall not take effect unless and until it has been confirmed by an Act of the Legislature of Ontario.

Passed in open Council this fifth day of December, A.D. 1910.

(Sgd.) S. BAKER, *Clerk*.
(Seal.)

(Sgd.) J. H. A. BEATTIE, *Mayor*.

SCHEDULE "I."

LIST OF BY-LAWS PROVIDING FOR THE ISSUE OF DEBENTURES BY THE COUNCIL OF THE CITY OF LONDON.

No. of By-law.	Date of Passing of By-law	Nature of Work Under By-law	Amount of Debt created	Amount to be borne by City	Amount by Ratepayers	Time	Rate
3570	December 19th, 1910.....	Local improvement debentures to defray the cost of certain cement sidewalks, cement kerbs and gutters constructed in 1910	\$17,754 13	\$10,455 40	\$7,298 73	10	4½
3571	December 19th, 1910.....	Local improvement debentures to defray the cost of certain tile sewers constructed in 1910	15,719 19	2,432 10	13,287 09	10	4½
3572	December 19th, 1910.....	Local improvement debentures to defray the cost of a certain pavement constructed in 1910	3,944 16	611 38	3,332 78	10	4½
3573	December 19th, 1910.....	To consolidate the several issues of debentures referred to in By-laws Numbered 3570, 3571 and 3572, and to provide for raising by debentures the City's share of the cost of the improvements in the said By-laws mentioned which is to be raised by special rate	37,417 48	13,498 88	23,918 60	10	4½
3588	January 9th, 1911.....	To raise \$75,000.00 debentures for the purposes of a City Hall	75,000 00	75,000 00	.....	38	4½

SCHEDULE "J."

LIST OF BY-LAWS.

No. of By-law	Date of passing of By-law.	Nature of work under By-law
3531	August 2nd, 1910...	To provide for the construction of underground conduits for carrying Hydro-Electric and other wires, and of cables and wires for electric light and power on that part of Richmond Street which lies between the Grand Trunk Railway Company's tracks and Fullerton Street.
3532	August 2nd, 1910...	To provide for the construction of underground conduits for carrying Hydro-Electric and other wires, and of cables and wires for electric light and power on that part of Dundas Street which lies between Ridout Street and Wellington Street.
3517	June 20th, 1910...	To provide for the construction of a pavement on Richmond Street between Fullerton Street and the Grand Trunk Railway Company's tracks.
3518	June 20th, 1910...	To provide for the construction of a pavement on Dundas Street between Ridout Street and Wellington Street.

CHAPTER 96.

An Act respecting the Town of New Liskeard.

Assented to 24th March, 1911.

WHEREAS the Municipal Corporation of the Town of Preamble.

New Liskeard has, by its petition, represented that it has incurred a floating indebtedness amounting to thirteen thousand five hundred dollars made up as follows:

Excess over Debentures on Water Works	\$3,022.00
Excess over Debentures on Fire Hall	210.00
Excess over Debentures on School	5,300.00
Excess over Debentures on Town Hall	463.00
Excess over Debentures on Bridge	80.00
Excess over Debentures on Sewerage	4,425.00
<hr/>	
Total	\$13,500.00

such indebtedness having been incurred by reason of the fact that moneys raised from the sale of debentures for schools, waterworks, bridges, firehall, City Hall, and sewer, were not sufficient to complete the said respective works and in consequence thereof the moneys that should have been used for current expenses were used in paying the balance of debt incurred in connection with the completion of the said public works and undertakings, thus increasing to the amount above mentioned the floating debt of the municipality; and whereas the said Corporation, by its said petition, has further represented that to liquidate the said floating indebtedness forthwith, in addition to meeting the ordinary necessary annual expenses of the municipality, would be unduly oppressive to the ratepayers, and has prayed that authority be given to the said Corporation to borrow thirteen thousand five hundred dollars to pay off the said floating debt, and the said Corporation has further represented that there is a considerable amount of taxes in arrear due to the said Corporation previous to the year 1908, and said arrears appear upon the Collector's Roll of the said Corporation, but there have been irregularities in that amongst other the said rolls for the various years were not

duly

duly returned by the collectors and the said Corporation has prayed that the said Town be empowered to take all proceedings authorized by *The Assessment Act*, either by distress, action or suit at law, or sale of the lands or property upon which said arrears of taxes are unpaid, to collect and enforce payment of the said taxes; and whereas it is expedient to grant the prayer of the said Petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Floating
debt of
\$13,500 con-
solidated.

1. The floating debt of the Town of New Liskeard is consolidated at the sum of \$13,500, and the said Corporation may borrow by a special issue of debentures a sum not exceeding \$13,500 for the purpose of paying the said floating debt.

Term of
debentures.

2. The said debentures shall be made payable in not more than twenty years from the date of issue thereof and shall bear interest at a rate not exceeding five per cent. per annum, payable half-yearly, and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the Corporation may deem expedient.

Equal
annual
instalments
of principal
and
interest.

3. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and in such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to that payable for principal and interest during each of the other years of the period in which the said debts are to be discharged.

Special
rate.

4. The said Corporation of the Town of New Liskeard shall levy in each year during which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application
of proceeds
of debentures.

5. The debentures and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of
electors
not re-
quired.

6. It shall not be necessary to obtain the assent of the electors or ratepayers of the Town of New Liskeard to the passing of any By-law which shall be passed under the authority of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*.

7. No irregularity in the form of the said debentures, or any of them, or of any By-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such By-law or issuing debentures, or as to the application of the proceeds thereof.

8. It shall be the duty of the Treasurer, for the time being, of the said Town, to keep, and it shall be the duty of each of the members, from time to time, of the said Municipal Council, to procure such Treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by the preceding sections, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said Town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

9. All assessment rolls of the Town of New Liskeard heretofore finally revised and all collectors' rolls of the said Town, whether regularly returned or not, and all collectors' rolls heretofore made, are hereby validated and confirmed, notwithstanding any irregularity, fault or omission in the said assessment collectors' rolls or collectors' returns or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts to the contrary.

10. The said Corporation of the Town of New Liskeard are hereby authorized and empowered to collect all arrears of taxes due to the said Corporation as such arrears appear upon the collectors' rolls of the said Corporation, and take all proceedings authorized by *The Assessment Act*, whether by way of distress, action or suit at law or sale of lands or of property to collect and enforce payment of such taxes; notwithstanding any irregularity in the assessment or other proceedings for the imposition of any taxes in arrear or failure to comply with the requirements of *The Assessment Act* or

Assessment Acts from time to time in force or any Act or Acts amending the same in regard to the certifying or signing of the assessments or assessment rolls or collectors' rolls or in the making of any affidavit or oath required in connection therewith or in regard to the time for the return of any collectors' rolls for the said Town or in the making of any such return or in regard to the furnishing, authenticating or depositing of any list of land in arrears for taxes within the said Town or furnishing by the collector of any account of the taxes remaining due on any and all collectors' rolls or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrears, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any failure on the part of the said Town of New Liskeard to give written notice to the owners or any other person, and notwithstanding the failure of the Treasurer of the municipality, or any person on his behalf, to make or cause to be made a search or searches and to give a notice or notices, and notwithstanding any other failure, omission or mistake of any kind whatsoever in or about any matters above mentioned.

CHAPTER 97.

An Act respecting the Town of Oshawa.

Assented to 24th March, 1911.

WHEREAS a Petition has been presented to the Municipal Corporation of the Town of Oshawa desiring an asphalt block pavement to be constructed as a local improvement on King Street in the said Town of Oshawa from the East side of Prospect Street to the East side of Mechanic Street in the said Town, signed by more than two-thirds in number of the owners of the real property to be benefited thereby, according to the last revised Assessment Roll of the Municipality, such owners representing at least one-half in value of the said real property; and whereas a further Petition has been presented to the Municipal Corporation of the Town of Oshawa desiring an asphalt block pavement to be constructed as a local improvement on Simcoe Street from the North side of Richmond Street to the South side of Medcalf Street, signed by more than two-thirds in number of the owners of the real property to be benefited thereby, according to the last revised Assessment Roll of the Municipality, such owners representing at least one-half of such real property, and otherwise as set out in the said Petitions; and whereas a Company was incorporated under the name of "The Oshawa Railway & Navigation Company" by an Act of Parliament of Canada (50-51 Victoria, Chap. 92), and by a subsequent Act of the Parliament of Canada (54-55 Victoria, Chap. 91) the name of the Company was changed to "The Oshawa Railway Company"; and whereas under certain agreements made between the Town of Oshawa and the said Company and certain By-laws of the said Corporation, all of which have been confirmed by the following Acts of the Legislature of the Province of Ontario, namely, 56 Victoria (1893), Chap. 73, and 58 Victoria (1895), Chap. 110, and also by an Act of the Parliament of Canada, 58-59 Victoria, Chap. 56, the Company was among other things empowered to lay tracks on certain streets, and operate a Street Railway in the said Town; and whereas the said Company has laid tracks and is operating the said Railway on Simcoe and King Streets and other Streets of the said Town;

and whereas negotiations have taken place between the said Corporation of the Town of Oshawa and the said Company whereby it is proposed that the said Corporation in constructing the pavements asked for by the said Petitions or that may be decided on shall in the area on the said streets occupied by the tracks of the said Railway, hereinafter called the track allowance, do and perform all work and supply all road materials necessary for the construction of the said pavements, and concrete base eight inches in thickness beneath the ties of the tracks of the said Railway, and for nine inches or more beyond the ends of the ties, or such other thickness or distance as may be agreed on, and also pay for all labour of relaying the ties and rails of the said Railway in the said pavements, the latter work to be done by men supplied by and under the direction of the Railway, and the ties and rails and other Railway construction material to be supplied by the Railway Company or otherwise, and that in consideration thereof the said Railway Company should agree to pay a proportion of the cost thereof, and by such yearly instalments as may be agreed upon between the said Municipal Corporation of the Town of Oshawa and the said Railway, and with such provisions, terms and conditions incidental thereto as to the said contracting parties may seem proper; and whereas the Corporation of the Town of Oshawa has further petitioned that it may be authorized to enter into such an agreement or agreements, and that the cost and outlay incurred in such work on the track allowance on the said streets occupied by the rails of the said Railway may be declared to be part of the entire cost of the construction of the said pavements respectively as local improvements so petitioned for within the meaning of *The Consolidated Municipal Act, 1903*, and amendments thereto, and the said Corporation has also petitioned that the said Municipality of the Town of Oshawa may likewise be empowered to enter into agreements from time to time of like nature with regard to the paying of other portions of King Street and Simcoe Street and other streets in the said Town of Oshawa upon which the tracks of the said Railway are or may be laid; and whereas it is expedient to grant the prayer of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Construction of pavements on track allowance of street railway, etc.

1. It shall be lawful for the Municipal Corporation of the Town of Oshawa in constructing the pavements so petitioned for, or such pavement as may be decided upon on King Street from the East side of Prospect Street to the East side of Mechanic Street, and on Simcoe Street from the North

side

side of Richmond Street to the South side of Medcalf Street in the said Town of Oshawa, to do and perform all the work and supply all the road materials necessary for the construction of such pavements on the track allowance in the said streets so to be paved, including a concrete base eight inches in thickness beneath the ties of the tracks of the said Railway and for nine inches beyond the ends of the ties or such thickness or base or distance as may be agreed on, and also to pay for all labour in relaying the ties and rails of the Railway in the said pavements, the ties and rails and other Railway construction material to be supplied by the Railway Company, or to do and perform the whole work, and make such outlay in such way and to such extent and on such plan and terms as may be agreed upon between the Corporation of the Town of Oshawa and the said Railway Company, and that the cost of and outlay therefor shall be deemed and form part of the entire cost of the work of the construction of the said pavements as local improvements as petitioned for, and within the meaning of *The Consolidated Municipal Act, 1903*, and amendments thereto, and any other Acts relating to Municipalities and Local Improvements that may be in force and applicable thereto, and as if expressly provided for in such Acts as forming a part of the cost of the said local improvements.

2. The said Corporation of the Town of Oshawa is, notwithstanding the provisions of *An Act respecting certain Railway and other Corporations* passed in the Seventh year of the reign of His late Majesty, chaptered 37, hereby authorized and empowered to enter into an agreement or agreements with the said The Oshawa Railway Company, in relation to the doing of the work and making of the outlay aforesaid on the track allowance and the payment by the Company of a proportion of the cost of the work and outlay on the said track allowance as may be agreed upon between the said Municipal Corporation of the Town of Oshawa and the said The Oshawa Railway Company, and providing for the payment thereof by yearly instalments not extending beyond twenty years, and containing such provisions, terms and conditions for the carrying on of the said work and of and incidental to the matters aforesaid as to the said contracting parties may seem proper, and such agreement or agreements when entered into shall be valid and binding upon the said Corporation of the Town of Oshawa, the said The Oshawa Railway Company and their successors, and all properties benefited by the said Local Improvements so petitioned for as aforesaid.

3. Wherever in this Act the words "track allowance" are used the same shall mean all the roadway between the rails ^{"Track allowance," meaning of.}

and

and the space of 27 inches outside of each rail, where single tracks are or shall be laid, and where Y's, turnouts, switches or side tracks are or shall be laid, the words "track allowance" shall mean the whole space between the rails of the switches, side tracks, Y's and turnouts and between the tracks and the switches, and between the tracks and the turnouts and 27 inches outside of the rails of such Y's, turnouts, switches, and side tracks and where loops are or shall be laid the said words shall mean the roadway between the rails and the space of 27 inches outside of each rail.

Power to
make
agreements
with Street
Railway
for con-
struction of
pavements
on other
streets.

4. The said Corporation, notwithstanding the provisions of *An Act Respecting Certain Railway and Other Corporations* passed in the seventh year of His late Majesty's reign, chaptered 37, is hereby empowered in like manner to enter into a further agreement or agreements with the said The Oshawa Railway Company, or their successors, of like character in relation to the construction of pavements on other portions of the said King and Simcoe Streets and on other streets in the said Town of Oshawa on which the tracks of the said Railway Company are or may be laid, and such agreement or agreements in like manner shall be binding upon the Corporation of the said Town of Oshawa and the said The Oshawa Railway Company, and their successors, and the properties benefited by such local improvements as may be petitioned for or decided upon from time to time, and the cost and outlay incurred by the said Town on the track allowance shall likewise be deemed a part of the cost of the pavement or pavements of such Streets within the meaning of the Acts in force in this Province relating to Municipalities and Local Improvements in like manner and to the same extent as by this Act is provided with reference to the pavements on parts of King and Simcoe Streets petitioned for as aforesaid.

Accounts
of moneys
received to
be kept by
treasurer.

5. A separate account or accounts shall be kept by the Treasurer of the said Corporation of the Town of Oshawa of all moneys received and expended on account of or in connection with the construction of the said pavements, including all moneys received from The Oshawa Railway Company, or their successors, under any agreement or agreements entered into between the said Municipal Corporation and the said The Oshawa Railway Company, or their successors, under this Act, and the moneys received from the said The Oshawa Railway Company, or their successors, under such agreement or agreements before the first day of January in any year may be applied in reduction of the rate payable for the next year to meet the debentures issued by the said Corporation of the Town of Oshawa for the payment of the cost of the construction of the pavements.

6. It shall not be necessary for the said Municipal Corporation before passing any By-law or By-laws incidental to the carrying out of the said work or of the agreement or agreements, or the issuing debentures or levying rates therefor, to obtain the assent of the ratepayers thereto.

Assent of electors not required to by-laws.

7. The Corporation of the Town of Oshawa may apply to The Ontario Railway and Municipal Board for a certificate approving any By-law or By-laws that may be passed from time to time for borrowing money or for imposing an assessment or assessments or special rate or rates in connection with the construction of such pavements as Local Improvements, including the cost of the work and outlay on the track allowance.

Approval of by-laws by Ontario Railway and Municipal Board.

8. The said Board may grant the certificate or certificates notwithstanding any irregularity in the proceedings prior to the final passing of any such By-law or in any such By-law itself, or any amending By-law, if in the opinion of the Board the provisions of the Statutes, under the authority of which the By-law or By-laws were assumed to be passed, have been substantially complied with.

Irregularity in by-laws not to prevent approval.

9. Every such By-law approved by the Board and the debentures issued thereunder, or which may thereafter be issued, substantially in conformity with its provisions shall be valid and binding upon the Municipality of the Town of Oshawa and upon the property liable for the rate or rates imposed by or under the authority of such By-law or By-laws, and the validity of every such By-law and every such debenture so approved shall not thereafter be open to question in any Court.

By-laws when approved to be binding.

10. Where any such By-law has been approved, the Board may approve the debentures issued or which may thereafter be issued under the authority of the By-law, and every debenture so approved shall be valid and binding upon the Municipality of the Town of Oshawa and upon the property liable for the rate or rates imposed by or under the authority of the By-law and the validity of any debenture so approved shall not be open to question in any Court.

Debentures binding when approved.

CHAPTER 98.

An Act respecting the City of Ottawa.

Assented to 24th March, 1911.

Preamble

WHEREAS the Corporation of the City of Ottawa has by its petition prayed that it may be authorized to submit, within one year from the passing of this Act, to the electors of the said City in the manner provided by *The Consolidated Municipal Act, 1903*, a By-law for the establishment of a Public Library Board under the provisions of *The Public Libraries Act*, and for the transference to the said Board of the Public Library at present existing in the said City; and whereas the said Corporation has by its said petition further prayed that the date "1st of July" may be substituted for the date "9th day of December" wherever the said latter date occurs in the preamble and in Section 1 of Chapter 121 of the Statutes for the year 1910, intituled *An Act respecting the City of Ottawa*, the said latter date having been wrongly used in the said Statutes by inadvertence; and whereas the said Corporation has by its said petition further prayed that section 1 of chapter 116 of the Statutes for the year 1909, intituled *An Act respecting the City of Ottawa*, which provides for the keeping of the polls at municipal elections in the said City open until six o'clock in the evening may be repealed, the keeping of the said polls open to so late an hour having proven troublesome and of no advantage; and whereas the said Corporation has by its said petition further prayed that By-laws Numbers 2794 and 2860 of the said Corporation, providing for the widening of Margaret Street and Woodbine Place in the said City as local improvements may be validated and confirmed; and whereas the said Corporation has by its said petition further prayed that By-law Number 3090 of the said Corporation, providing for the widening of Wellington Street between Merton Street and Holland Avenue, in the said City, as a local improvement, may be validated and confirmed; and

whereas

whereas the said Corporation has by its said petition further prayed that it may be authorized to widen Irving Avenue in the said City, as a local improvement, and to assume and pay one-half of the cost of such work out of the general funds of the said Corporation and to assess so much of the residue of the cost as may seem just to the Council of the said Corporation upon the land abutting directly on the said work, and so much of such residue as may seem just to the said Council on such other land as is immediately benefited by the said work; and whereas the said Corporation has by its said petition further prayed that it may be authorized to extend the main drainage system of the said City along certain streets therein, and for such purpose to borrow upon an issue of debentures without the assent of the electors a sum not exceeding \$90,000.00; and whereas the said Corporation has by its said petition further prayed that it may be authorized to construct a main drainage system for that portion of the said City which was formerly the Village of Hintonburg and a part of the Township of Nepean, and to carry the same through a part of the Township of Nepean to an outlet into the Ottawa River, and to construct septic tanks at the said outlet for the treatment of the sewage, and for such purpose to borrow, upon an issue of debentures without the assent of the electors, a sum not exceeding \$220,000.00; and whereas the said Corporation has by its said petition further prayed that it may be authorized to construct a laundry in connection with the Lady Grey Hospital, in the said City, and for the purpose of providing for the cost of such work to borrow, upon an issue of debentures without the assent of the electors, a sum not exceeding \$2,500.00; and whereas the said Corporation has by its said petition further prayed that it may be authorized to pay the debts of the Central Canada Exhibition Association outstanding on the 20th day of July, 1908, and amounting to \$25,000.00, and for such purpose to borrow, upon an issue of debentures without the assent of the electors, a sum not exceeding \$25,000.00; and whereas the said Corporation has by its said petition further prayed that it may be authorized to borrow, upon an issue of debentures without the assent of the electors, a sum not exceeding \$25,000.00, to provide for the cost of a new drainage system, an improved lighting system and other improvements at Lansdowne Park, in the said City; and whereas the said Corporation has by its said petition further prayed that it may be authorized to borrow, upon an issue of debentures without the assent of the electors, a sum not exceeding \$30,000.00, to provide for the purchase of a steam fire engine and for the cost of completion and equipment of certain fire stations now under construction in the said City; and whereas the said Corporation has by its said petition further prayed that it may be authorized to es-

tablish and maintain a farm to be used for the reclamation and cure of habitual drunkards and for the purpose of acquiring the necessary land for the said farm and for providing for the cost of erecting the necessary buildings thereon and for the equipment of the said farm and buildings to borrow, upon an issue of debentures without the assent of the electors, a sum not exceeding \$20,000.00; and whereas the said Corporation has by its said petition shown that the sum of \$7,000.00 which, under the provisions of Section 8 of Chapter 116 of the Statutes for the year 1909, it was authorized to borrow to provide for the cost of the construction of a roadway to enable the Ottawa Electric Railway Company to extend its railway to Beechwood and Notre Dame Cemeteries, has proven insufficient for the purpose and has prayed that it may be authorized to borrow an additional sum of \$7,500.00 for the said purpose upon an issue of debentures without the assent of the electors; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Establishment of Public Library.

3 Edw. VII., c. 19.

9 Edw. VII., c. 80.

1.—(1) The Council of the said Corporation may, within one year from the passing of this Act, submit to the electors of the said City, in the manner provided by *The Consolidated Municipal Act, 1903*, a By-law for the establishment of a Public Library Board under the provisions of *The Public Libraries Act*, and for the transference to the said Board of the Public Library at present existing in the said City.

(2) Should the said By-law receive the assent of a majority of the electors entitled to vote thereon, the said Council shall pass the same without unnecessary delay and thereafter the general management, regulation and control of the Public Library at present existing in the said City shall be vested in the said Board, and all the provisions of *The Public Libraries Act* applicable to libraries established under Part I. of the said Act shall apply to the said library and the said Board.

10 Edw. VII., c. 121, s. 1, amended. Term of agreement with Dominion Government.

2. Chapter 121 of the Act passed in the 10th year of His late Majesty's reign, intituled *An Act respecting the City of Ottawa*, is amended by substituting the words "1st day of July" for the words "9th day of December" wherever the same occur in the preamble and in Section 1 of the said Act.

9 Edw. VII., c. 116, s. 1 repealed.

3. Section 1 of Chapter 116 of the Acts passed in the 9th year of His late Majesty's reign, intituled *An Act respecting the City of Ottawa*, is repealed.

4. By-law No. 2794 of the said Corporation intituled "A By-law to provide for the widening of Margaret Street on the north side between Dey Street and Preston Street, in the City of Ottawa, as a Local Improvement," passed on the 8th day of September, A.D. 1908, and By-law No. 2860 of the said Corporation intituled "A By-law to provide for the widening of Woodbine Place from Grosvenor Avenue to Barton Street as a Local Improvement," passed on the 19th day of April, A.D. 1909, which said By-laws provide for, respectively, the widening of Margaret Street and Woodbine Place in the City of Ottawa as Local Improvements, are validated and confirmed; and the said Corporation may borrow such sums of money as may be necessary to provide for the payment of the share of the cost of the said works which, under the provisions of the said By-laws are to be paid out of the general fund of the said Corporation by an issue of debentures, without submitting any By-law in connection therewith to or obtaining the assent thereto of the electors before the final passing thereof.

By-laws
Nos. 2794
and 2860
confirmed.

5. By-law Number 3090 of the said Corporation, intituled "A By-law to authorize the widening of Wellington Streets between Merton Street and Holland Avenue as a local improvement," set out in Schedule "A" to this Act, is validated and confirmed.

By-law 3090
confirmed.

6. The said Corporation may widen Irving Avenue in the said City in such manner and to such extent as to the Council of the said Corporation may seem proper or necessary as a local improvement, and may pay one-half of the cost of such work out of the general fund and may assess so much of the residue of the cost, as may to the said Council seem just, upon the land abutting directly on the said work, and so much of such residue as to the said Council may seem just on such other land as is immediately benefited by the said work, and may pass such By-law or By-laws as may be necessary for the said purpose, without complying with the provisions of Section 632 of *The Consolidated Municipal Act, 1903*.

Power to
widen
Irving
Avenue.

7. The said Corporation may borrow such money as may be necessary to provide for the cost of the works mentioned in the two immediately preceding paragraphs in the manner prescribed in *The Consolidated Municipal Act, 1903*, for raising money for the purposes of local improvements, and may validly pass all such By-laws and issue all such debentures as may be necessary for the borrowing of the said money and make all such assessments as may be required for the payment thereof.

Power to
borrow for
certain
works.

Extension
of main
drainage
system.

8. The said Corporation may extend the main drainage system of the said City along the following streets, that is to say: From Preston Street to Rochester Street, thence through the property of John R. Booth, known as the Fraser Field Lumber Yard, to Bronson Avenue, thence southerly along Bronson Avenue to Mutchmor Street, thence easterly on Mutchmor Street to Muriel Street, thence southerly on Muriel Street to Lot 6 on the east side of Muriel Street, as shown on a plan prepared by C. A. Biggar, P.L.S., dated September 29th, 1890, and registered in the Registry Office for the City of Ottawa as Number 33446, thence easterly through Lot 6 on the west side of Muriel Street, as shown on said plan, to Gordon Street, thence southerly on Gordon Street to Centre Street, thence easterly on Centre Street to Craig Street; and to provide for the cost of the said work the said Corporation may borrow, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine, and payable in thirty (30) years from the date thereof, a sum not exceeding \$90,000.00

Construc-
tion of
main
drainage
system.

9. The said Corporation may construct a main drainage system for that portion of the said City which was formerly the Village of Hintonburg, and that part of the Township of Nepean known as "Bayswater," and may carry the same through a part of the Township of Nepean to an outlet into the Ottawa River, and may construct septic tanks at the said outlet for the treatment of the sewage, and for the purpose of providing for the cost of such works may borrow, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine, and payable in thirty (30) years from the date thereof, a sum not exceeding \$220,000.00.

Construc-
tion of
laundry
for Lady
Grey
Hospital.

10. The said Corporation may construct a laundry in connection with the Lady Grey Hospital in the said City, and for the purpose of providing for the cost of such work may borrow, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty (20) years from the date thereof, a sum not exceeding \$2,500.00.

Power to
pay debts
of Central
Canada
Exhibition
Association.

11. The said Corporation may pay the debts of the Central Canada Exhibition Association outstanding on the 20th day of July, 1908, and amounting to \$25,000.00, and for such purpose may borrow, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty (20) years from the date thereof, a sum not exceeding \$25,000.00.

12. The said Corporation may borrow, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty (20) years from the date thereof, a sum not exceeding \$25,000.00, to provide for the cost of a new drainage system, an improved lighting system and other improvements at Lansdowne Park, in the said City.

Power to borrow \$25,000 for certain works in Lansdowne Park.

13. The said Corporation may borrow, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty (20) years from the date thereof, a sum not exceeding \$30,000, to provide for the purchase of steam fire engines and apparatus and for the cost of the completion and equipment of certain fire stations now under construction in the said City.

Power to borrow \$30,000 for steam fire engine.

14. Section 8 of Chapter 116 of the Acts passed in the 9th year of His late Majesty's reign is repealed, and instead of the sum of \$7,000 mentioned therein the said Corporation may borrow, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty (20) years from the date thereof, a sum not exceeding \$14,500, to provide for the cost of the construction of a roadway to enable the Ottawa Electric Railway Company to extend its railway to Beechwood and Notre Dame Cemeteries, in the Township of Gloucester, and may construct the said roadway and expend thereon the said sum notwithstanding that a part of the said roadway will be outside the boundaries of the said City.

9 Edw. VII., c. 116, s. 8, repealed.

Power to borrow \$14,500 for construction of roadway for Ottawa Electric Railway Co.

15.—(1) The said Corporation may establish and maintain either within or without the said City, but within the Province of Ontario, a farm to be used for the reclamation and cure of habitual drunkards, and may make rules and regulations (not repugnant to law) for the care, management and government of the same.

Establishment of farm for reclamation of drunkards.

(2) For the purpose of acquiring the necessary land for the said farm and for providing for the cost of erecting the necessary buildings thereon, and for the equipment of the said farm and buildings the said Corporation may borrow, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty (20) years from the date thereof, a sum not exceeding \$20,000.00.

Power to borrow \$20,000 for such purpose.

(3) The provisions of Section 529 of *The Consolidated Municipal Act, 1903*, and of any amending Acts that may hereafter be passed shall apply to the said farm.

3 Edw. VII., c. 19, s. 529, to apply.

Assent of
electors
not
required.

16. None of the By-laws to be passed under the authority of Sections 8, 9, 10, 11, 12, 13, 14 and 15 hereof, providing for the issue of debentures, shall require to be submitted to or to have the assent thereto of the electors of the said City before the final passing thereof, but in all other respects the provisions of *The Consolidated Municipal Act, 1903*, relating to money By-laws and to debentures issued thereunder, shall apply to the said By-laws and to the debentures to be issued thereunder.

SCHEDULE "A."

BY-LAW No. 3090.

A By-law to authorize the widening of Wellington Street, between Merton Street and Holland Avenue, as a local improvement.

Whereas it is expedient and necessary that Wellington Street should be widened between Merton Street and Holland Avenue, in the City of Ottawa, so that the same shall be of an approximate width of sixty feet, as a local improvement;

And whereas it is inequitable to charge the whole cost of the said local improvement against the land fronting thereon;

Therefore the Municipal Council of the Corporation of the City of Ottawa, subject to confirmation by the Legislature of the Province of Ontario, enacts as follows:—

1. Wellington Street shall be widened between Merton Street and Holland Avenue, in the City of Ottawa, so that the same shall be of an approximate width of sixty feet as a local improvement, under the provisions of *The Consolidated Municipal Act, 1903*.

2. One-half of the cost of the said local improvement shall be assumed by the said Corporation as its share thereof, and the other half shall be assessed against the lands fronting upon the said portion of the said street and the lands mentioned and described in Report No. 2a of the Board of Control, adopted by the said Council on the 7th day of February, A.D. 1910, which said lands do not front upon the said portion of the said street but are benefited by the said work in the proportion mentioned in the said Report of the Board of Control.

Given under the Corporate Seal of the City of Ottawa this 7th day of November, A.D. 1910.

Certified:

(Sgd.) JOHN HENDERSON, *City Clerk.*

(Sgd.) CHAS. HOPEWELL, *Mayor.*

CHAPTER 99.

An Act respecting the Town of Owen Sound.

Assented to 24th March, 1911.

WHEREAS the Corporation of the Town of Owen Preamble.
Sound, by petition, has represented that the Council of the said Corporation did, on the 19th day of April, 1909, pass By-law No. 1349 to raise \$1,687.72 for the purpose of meeting a deficiency in the sale of debentures for the construction of sewers; and By-law No. 1350, to raise \$2,403.98 for the purpose of meeting a deficiency in the sale of debentures for the construction of sidewalks in the Town of Owen Sound during the years 1904 and 1905; that By-law No. 1422 of the said Town, intituled "A By-law to authorize a grant of \$50,000 to a company to be formed for the construction and operation of a dry dock and ship repair and shipbuilding plant, and the carrying on of structural steel works in the Town of Owen Sound, and to authorize the taking of stock in the said Company to the amount of \$50,000," was, after being duly approved by the electors, finally passed on the 12th day of September, 1910, and that it is desirable that the said By-laws should be confirmed; that By-law No. 608, intituled "A By-law to aid and assist the Grand Trunk Georgian Bay and Lake Erie Railway Company by giving \$75,000 to the said Company by way of bonus and to authorize the levying of a special rate for the payment of the debentures and interest," was, after being duly approved by the electors, finally passed on the 29th day of June, 1891; that the said By-law No. 608 provided that debentures should be issued to raise the said sum of \$75,000 and interest and that there should be raised and levied annually by a special rate on all rateable property in the said municipality the sum of \$3,375.00 for the payment of interest and the sum of \$2,191.00 for the payment of the debt thereby created during the currency of the said debentures, being a period of twenty years from the 23rd day of June, 1891, which said last mentioned sum was not sufficient for the payment of said debt, and that the said rate was duly assessed and levied during each of the said years that have expired except during the years from June 23rd, 1891, to June 23rd, 1894, when
through

through inadvertence the said rate was not assessed and levied, and that to meet the deficiency in the sinking fund caused by the said omission to levy and error in computing the annual amount to be raised to pay the said debt and the expenses incidental thereto it will be necessary to raise the sum of \$19,750, and that as it would be unduly burdensome to the ratepayers to pay the same forthwith in addition to meeting the ordinary annual expenses, it is desirable that authority should be granted to borrow such sum by the issue of debentures payable within four years from the date of issue; and whereas the said Corporation has prayed that an Act may be passed for the above mentioned purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the assent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws No.
1349, 1350,
and 1422, of
town of
Owen Sound
confirmed.

1. By-law No. 1349 of the Town of Owen Sound, intituled "A By-law to authorize the levying of rates to raise the sum of \$1,687.72 to provide for the deficiency on the sale of debentures to pay for the construction of certain sewers in the Town of Owen Sound in the years 1904 and 1905; and By-law No. 1350 of the Town of Owen Sound, intituled "A By-law to authorize the levying of rates to raise the sum of \$2,403.98 to provide for the deficiency on the sale of debentures to pay for the construction of sidewalks on certain portions of streets in the Town of Owen Sound in the year 1905"; and By-law No. 1422 of the Town of Owen Sound set out as Schedule "A" hereto and all debentures issued or to be issued under the said By-laws and all levies, rates and assessments made or to be made for the payment of such debentures are confirmed and declared to be legal, valid and binding on the Corporation of the Town of Owen Sound and on the ratepayers thereof.

Power to
borrow
\$19,750 to
meet defi-
ciency in
sinking
fund under
By-law 608.

2. The said Corporation may also borrow by a special issue of debentures a sum not exceeding \$19,750 for the purpose of meeting the deficiency in the sinking fund created by By-law No. 608 of said Corporation as set out in the preamble hereof, and the said debentures shall be made payable in not more than four years from the date of the issue thereof and shall bear interest at a rate not exceeding five per cent. per annum and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the Corporation may deem expedient.

3.—(1) The said last mentioned debentures shall be payable in equal annual instalments of principal and interest in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each year of the period within which the said debt is payable.

Equal
annual in-
stalments
of principal
and interest.

(2) The said Corporation may purchase such last mentioned debentures out of any of its sinking funds not required for the retirement of debentures until after the expiration of the said four years mentioned in section 2.

4. The said Corporation shall levy in each year during the period within which said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said last mentioned debentures.

Special
rates.

5. The said last mentioned debentures and all moneys arising from the sale thereof shall be applied in payment of the said deficiency in the sinking fund created by By-law No. 608 and for no other purpose.

Application
of proceeds
of debentures.

6. It shall not be necessary to obtain the assent of the electors or ratepayers of the town of Owen Sound to the passing of any By-law which shall be passed under the authority of this Act to raise the said sum of \$19,500 or to observe the formalities relating thereto prescribed by *The Consolidated Municipal Act, 1903*.

Assent of
electors
not
required.

3 Edw. VII.,
c. 19.

7. No irregularity in form, if any, of the above mentioned debentures or any of them shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof, and the purchaser or holder shall not be bound to enquire as to the necessity of passing the aforesaid By-laws or issuing such debentures or as to the application of the proceeds thereof.

Irregularity
in form not
to invali-
date.

SCHEDULE "A."

BY-LAW No. 1422 OF THE TOWN OF OWEN SOUND.

A By-law to authorize a grant of \$50,000.00 to a Company to be formed for the construction and operation of a dry dock and ship repair and shipbuilding plant and the carrying on of structural steel works in the Town of Owen Sound, and to authorize the taking of stock in the said Company to the amount of \$50,000.00 on the conditions hereinafter set forth.

Whereas it is to the interest of the Town of Owen Sound that a dry dock and ship repair and shipbuilding plant should be constructed in said Town;

And whereas Edward Box, Esquire, of Tynemouth, England, Civil Engineer, has entered into an agreement with the Corporation of the Town of Owen Sound, which said agreement is contained in Schedule "A" to this By-law;

And

And whereas by the said agreement it is provided that the said Edward Box shall organize a company to construct and operate a dry dock, ship repair and shipbuilding plant and to carry on structural steel works in the said town of Owen Sound at a minimum expenditure of \$800,000.00, and that the said Corporation shall submit a By-law to the electors of the said Town authorizing a bonus of \$50,000.00 to be paid to the said Company on the completion of the said work, and empowering the said Corporation to take stock in the said Company to the amount of \$50,000.00 upon the conditions set forth in the said agreement.

And whereas it is desirable and expedient to grant the said bonus and to take stock in the said Company as aforesaid, and generally to confirm and ratify the said agreement;

And whereas in order to raise the amount of the said grant of \$50,000.00 and the amount of \$50,000.00 to be paid for the said stock, it will be necessary to issue debentures of the said Town of Owen Sound as hereinafter provided, for the sum of \$100,000.00, which is the amount of the debt intended to be created by this By-law.

And whereas, under the terms of the said agreement the said Edward Box is to organize the said Company within twelve months of the date thereof, and he and the said Company are to comply with certain other conditions in said agreement more fully set out, or the said Corporation may at its option cancel the said agreement;

And whereas the said grant of \$50,000.00 is made payable on the completion of the said work;

And whereas it is considered that the said Company may not be organized, or the said purchase money for the said stock be payable until after the expiration of six months from the date of the said agreement, and that the said construction work may not be completed until after the expiration of two years from the said date.

And whereas it being undesirable to have a large portion of the money to be raised under this By-law in hand unused and uninvested, it would, in the opinion of the Municipal Council of the Town of Owen Sound, be to the advantage of the Municipality to issue the said debentures in two instalments of \$50,000.00 each, as the exigency of the case demands, but so that the whole shall be issued within five years, and the first instalment within two years of the passing of this By-law, being the periods limited by the statute in that behalf, and to make each of the said instalments of the said debt payable in twenty years from the date of the debentures by which the same is secured.

And whereas \$3,930.00 is the total amount required to be raised annually by special rate for the period of twenty years for paying the said first instalment of the debt and interest thereon at four and a half per cent. per annum, as provided by this By-law, and \$3,930.00 for paying the instalment secondly above mentioned and the interest thereon at said rate.

And whereas the amount of the whole rateable property in the Town of Owen Sound, according to the last revised Assessment Roll, is \$5,422,338.00.

And whereas the existing debenture debt of the Town of Owen Sound is \$1,032,211.13, and the amount exclusive of Local Improvement debt secured by special rate or assessment is \$848,814.08, and there is no part of the principal or interest of said existing debt in arrear;

The Municipal Council of the Corporation of the Town of Owen Sound enacts as follows:—

1. The sum of \$50,000.00 shall be granted by the Town of Owen Sound to a Company organized by Edward Box, Esquire, of Tyne-mouth, England, Civil Engineer (the party of the first part in Schedule "A" to this By-law), for the construction of a dry dock and ship repair and shipbuilding plant and the carrying on of structural steel works in the Town of Owen Sound, to be paid to the said Company on the completion of the said construction work and on the conditions mentioned in the agreement dated the 18th day of May, 1910, between the said Edward Box and the said Corporation, and being Schedule "A" to this By-law, and that the said Corporation be empowered to take stock in the said Company to the amount of \$50,000.00 upon the conditions mentioned in said agreement.

2. For the purpose aforesaid it shall be lawful for the Corporation of the Town of Owen Sound to issue debentures of the said municipality to the amount of \$100,000.00, which sum is the amount of the debt intended to be created by this By-law, in sums of not less than \$100.00 each, as follows: \$50,000.00 at a time within two years after the passing of this By-law to be determined by the said Council, and the remaining \$50,000.00 within five years after the passing of this By-law, also to be determined by the said Council.

3. The said debentures shall be signed by the Mayor and Treasurer of the Town of Owen Sound and sealed with the Corporate Seal of the said municipality. Each of the said debentures shall be dated on the day of its issue and shall be made payable at the expiration of twenty years from the said date and bear interest at the rate of four and a half per cent. per annum, payable half yearly, the dates of such payment of interest to be the last day of every six months succeeding the day of issue.

4. The said debentures and interest thereon shall be payable at the Traders Bank of Canada, in the said Town of Owen Sound, and shall bear date as aforesaid, and shall have attached to them coupons signed by the Mayor and by the Treasurer of the said municipality for the payment of interest as aforesaid.

5. During the currency of the debentures for \$50,000.00 representing the first instalment of the debt hereby created, there shall be raised, assessed and levied yearly by special rate sufficient therefor on the whole rateable property in the said Town of Owen Sound, the sum of \$2,250.00 for the payment of the interest on the said debentures, and the sum of \$1,680.00 for the purpose of creating a sinking fund for the payment of the first instalment of the debt hereby secured and debentures issued therefor, making in all the sum of \$3,930.00 to be raised annually by special rate as aforesaid during each year of the said period of twenty years.

6. During the currency of the debentures for \$50,000.00 representing the second and final instalment of the debt hereby created, there shall be raised, assessed and levied yearly by special rate sufficient therefor on the whole rateable property in the said Town of Owen Sound, the sum of \$2,250.00 for the payment of the interest on the said debentures and the sum of \$1,680.00 for the purpose of creating a sinking fund for the payment of the said second and final instalment of the debt hereby secured and debentures issued therefor, making in all the sum of \$3,930.00 to be raised annually by special rate as aforesaid during each year of the said period of twenty years.

7. Debentures shall contain the provisions of section 343 (1) of *The Consolidated Municipal Act of 1903* as to transference of debentures.

8. From and after the completion of the said construction work until the expiration of ten years thereafter, and during the operation of the said dry dock and plant by the said Company, the said dry dock and plant, together with the lands and premises on which

same

same are constructed or erected, and the buildings, machinery and plant thereon belonging to the said Company, shall be exempt from all municipal taxes except school taxes and local improvement rates, and the said Corporation will supply the said premises with water for sanitary and drinking purposes not exceeding 1,000 gallons daily for the said term of ten years.

9. The said agreement contained in Schedule "A" is hereby confirmed and ratified and is incorporated with and forms part of this By-law, provided, however, that the carrying on of the structural steel works shall be optional with the said Company.

10. This By-law shall come into force and effect forthwith after the final passing thereof by the Council.

11. The votes of the electors of the Town of Owen Sound entitled to vote thereon shall be taken on this By-law on Saturday, the 27th day of August, 1910, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the places and by the deputy returning officers following:—

Polling Subdivisions Nos. 1 and 2.—At the 4th Avenue East School, west part of building, by E. E. Miller, Deputy Returning Officer; and L. C. Julian, Poll Clerk.

Polling Subdivisions Nos. 3 and 4.—At 4th Avenue East School, east part of building, by Robert Morrow, Deputy Returning Officer; and S. H. Newman, Poll Clerk.

Polling Subdivision No. 5.—At the W.C.T.U. Hall, corner 9th Street West and 1st Avenue West, by Henry Kelso, Deputy Returning Officer; and George I. Kennedy, Poll Clerk.

Polling Subdivisions Nos. 6 and 7.—At 11th Street West School, west part, by Wm. Wilson, Deputy Returning Officer; and George Leslie, Poll Clerk.

Polling Subdivision No. 7a.—At 4th Avenue West School, by Alfred Atkins, Deputy Returning Officer; and Frank Barber, Poll Clerk.

Polling Subdivisions Nos. 8 and 9.—At Ladies' Waiting Room, in the Arcade, in the Town Hall Building, by John C. Read, Deputy Returning Officer; and Roy Wilson, Poll Clerk.

Polling Subdivisions Nos. 10 and 13.—At 5th Avenue East School, by John McTavish, Deputy Returning Officer; and A. L. McIntyre, Poll Clerk.

Polling Subdivisions Nos. 11 and 12.—At Campbell & Scarrow's Implement Shop, 779 Second Avenue East, by Alex. Gilliland, Deputy Returning Officer; and Robert Douglas, Poll Clerk.

12. On Thursday, the 25th day of August, 1910, at the hour of ten o'clock in the forenoon, the Mayor of the Town of Owen Sound will attend at the office of the Town Clerk of the said Town for the purpose of appointing in writing persons to attend at each of the various polling places aforesaid, and at the final summing up of the votes by the Town Clerk on behalf of the persons interested in and desirous of promoting or opposing the passing of the By-law respectively.

13. That the Clerk of the Town of Owen Sound shall attend at his office in the said Town at ten o'clock in the forenoon of Monday, the 29th day of August, 1910, to sum up the number of votes for and against this By-law.

(Sgd.) F. W. HARRISON, *Mayor*.

" CHAS. GORDON, *Clerk*.

Council Chamber, Owen Sound,
September 12th, 1910.

NOTICE.

NOTICE.

Take notice that the foregoing is a true copy of a proposed By-law which has been taken into consideration by the Municipal Council of the Town of Owen Sound and which will be finally passed by the said Council in the event of the assent of the electors being obtained thereto after one month from the date of the first publication thereof in the *Owen Sound Advertiser*, the date of which publication shall be the fifth day of August, 1910, and at the hour, day and places therein fixed for taking the votes of the electors the polls will be held.

And further take notice that in order for a leaseholder to qualify for voting on the said By-law, he must at least ten days before the day of voting file with me a statutory declaration that his lease contains a covenant whereby he agrees to pay all municipal taxes in respect of the property leased, and that the lease extends for the period of time within which the debt to be contracted, or the money to be raised, by the said By-law is made payable, and the names of leaseholders neglecting to file such declaration shall not be placed on the voters' list for such voting.

CHAS. GORDON, *Clerk*.

SCHEDULE "B."

This Agreement made in duplicate this 18th day of May, 1910.

BETWEEN—

Edward Box, of Tynemouth, England, Civil Engineer, of the First Part,

and

The Corporation of the Town of Owen Sound, in the County of Grey and Province of Ontario, in the Dominion of Canada, hereinafter called the Corporation, or the Second Part.

Whereas the said party of the first part proposes to organize a Company to construct and operate a dry dock, ship repair and ship building plant, and to carry on structural steel works in the said Town of Owen Sound at a minimum expenditure of \$800,000.00;

And whereas the parties hereto agree as follows:—

1. The party of the first part to organize a Company as aforesaid, to prepare plans and submit same to the Department of Public Works for approval and with a view of obtaining the bonus granted by the Dominion Government to dry docks.

2. The Corporation agrees not to enter into negotiations with any person or company other than the party of the first part or a company organized by him for the purposes aforesaid for the term of six months from this date, and in the event of his submitting the plans within six months as aforesaid then they will not enter into such negotiations with any person or company for such work other than the said party of the first part or the company to be organized by him for the further space of six months. Should, however, the plans not be submitted as above provided, or should they not be approved by the said department, or should the said party of the first part have failed in organizing a company for the purposes aforesaid, or should the said company to be organized not be prepared to commence the said work within twelve months from this date and proceed with same with due diligence, the Corporation may, at its option, cancel the agreement herein contained.

3. And the said party of the first part agrees that until the said work is completed, unless the Corporation exercises its option under paragraph 2, he will not directly or indirectly promote any company for the construction or operation of any such work at any place on the Lakes in Canada other than at Owen Sound.

4. The Corporation further agrees to submit a By-law to the electors of said Town authorizing a bonus of \$50,000.00, to be paid to the said Company to be organized on the completion of said work, and to empower the Corporation to take stock in the said Company to the amount of \$50,000.00, also to endeavor to procure any legislation that may be deemed necessary for the purpose of ratifying the said By-law; and the Corporation also agrees that the said By-law shall provide for the exemption of the lands and property of the said Company to be organized from taxation, with the exception of school taxes and local improvement rates, and to supply water free for drinking and sanitary purposes not exceeding 1,000 gallons daily for the term of ten years

5. Any agreement made with the Company to be formed by the party of the first part shall contain a clause to this effect—That if the proposed Company or their assigns at any time decide to move their dry docking and shipbuilding plant and structural steel works from the Town, or cease to operate through amalgamation or agreement with other company or companies, then the Company binds itself and its assigns to pay back to the Corporation of Owen Sound the amount of the before mentioned bonus, together with the amount of stock subscribed by the Town before such removal or agreement can be made.

In witness whereof the party of the first part has hereunto set his hand and seal, and the Corporation has hereunto set its corporate seal, attested by the hands of the Mayor and Clerk.

Signed, Sealed and Delivered
in the presence of
GEORGE GIBSON BAVIDGE,
As to signature of Mr. Box.

EDWARD BOX,
Party of the First Part.
(Seal.)
F. W. HARRISON, *Mayor*.
CHAS. GORDON, *Clerk*.
(Seal.)

CHAPTER 100.

An Act to confirm By-law No. 1450 of the Town of Owen Sound.

Assented to 24th March, 1911.

WHEREAS the Municipal Corporation of the Town of Owen Sound has by Petition represented that By-law No. 1450, set out as Schedule "A" hereto, was submitted to the qualified ratepayers on the second day of January, 1911, when, out of 2,235 persons appearing by the voters' list of the said town for the year 1910 to be qualified to vote thereon, 1,214 persons voted for the same and 373 persons against the said By-law authorizing the said Corporation to grant a loan of Twenty thousand dollars (\$20,000) to the Canadian Heating and Ventilating Company, Limited, upon the terms and conditions of the said By-law and Agreement therewith submitted; and whereas it is further alleged that of the said voters appearing on the said voters' list entitled to vote on said By-law some 225 persons were not entitled to vote thereon by reason of subsequent disqualification through death, marriage or sale of property; and whereas the said Company has given to the said Corporation a first mortgage set out as Schedule "B" hereto on its real property in the said Town of Owen Sound as security for the repayment of the said loan; and whereas the said Corporation has prayed that an Act may be passed to validate, ratify and confirm the said By-law, Mortgage and Agreement, and the debentures to be issued by the said Corporation to raise the said loan, and it is expedient to grant the prayer of the said Petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 1450 of the Corporation of the Town of Owen Sound set out as Schedule "A" hereto, and the debentures issued thereunder, are ratified and confirmed and declared to be valid and binding upon the said Corporation and the ratepayers thereof, and on the said Company and the said Corporation is hereby authorized to issue debentures to

By-law No.
1450 of
Town of
Owen Sound
confirmed.

raise

raise the said loan and to do all necessary and proper acts for the full and proper carrying out of the provisions of the said By-law.

Mortgage by
Canadian
Heating and
Ventilating
Co. to town
confirmed.

2. The Mortgage Deed given by the said Company to the said Corporation dated the First Day of February, 1911, securing the repayment of the said loan of \$20,000 ratified and confirmed and declared to be legal and binding on the said Corporation and Company respectively according to its purport.

SCHEDULE "A."

BY-LAW No. 1450 OF THE TOWN OF OWEN SOUND.

A By-law to authorize a loan of \$20,000.00 to the Canadian Heating and Ventilating Company, Limited, of the Town of Owen Sound, upon mortgage, and to authorize the issue of debentures to raise said loan, and to confirm a certain agreement between the said The Canadian Heating and Ventilating Company, Limited, and the Corporation.

Whereas it is desirable and expedient to loan The Canadian Heating and Ventilating Company, Limited, the sum of \$20,000.00 to assist them in operating and extending their plant in the said town on the security of a first mortgage, as provided in an agreement dated the 30th day of November, 1910, and made between the said Company and the Corporation of the Town of Owen Sound, and hereto annexed as Schedule "A."

And whereas, for the said purpose, it is necessary to create a debt to the extent of \$20,000.00, and to issue debentures therefor in the manner hereinafter set forth.

And whereas \$1,571.64 is the total amount required to be raised annually by special rate for the period of twenty years for paying said debt and interest thereon at the rate of four and a half per cent. per annum, according to the terms of this By-law.

And whereas the whole rateable property of the Town of Owen Sound, according to the last revised assessment roll, is \$5,262,399.00.

And whereas the amount of the existing debenture debt of the Town of Owen Sound amounts to the sum of \$1,037,211.13, and the amount, exclusive of local improvement debt secured by special rate or assessment, is \$853,814.08, and there is no part of the principal or interest of the existing debt in arrear.

And whereas it is expedient to authorize, ratify and confirm the said agreement hereinbefore recited, the Municipal Council of the Corporation of the Town of Owen Sound therefore enacts as follows:

1. The execution of the said agreement on behalf of the Corporation of the Town of Owen Sound by the Mayor and the Clerk of the Council thereof, under the seal of the said Corporation, is hereby authorized, ratified and confirmed, and the said agreement is hereby incorporated in this By-law, and shall be read and confirmed as part thereof.

2. It shall be lawful for the Municipal Council of the Corporation of the Town of Owen Sound to aid the said The Canadian Heating and Ventilating Company, Limited, in operating and extending their plant in the Town of Owen Sound by a loan of \$20,000.00, repayable in accordance with the terms of the said agreement.

3. It shall be lawful for the Corporation of the Town of Owen Sound, for the purposes aforesaid, to issue debentures of the said

Municipality

Municipality in sums of not less than \$100.00 each to the amount of \$20,000.00, which sum is the amount of the debt intended to be created by this By-law.

4. The said debentures shall be signed by the Mayor and Treasurer of the Town of Owen Sound, and sealed with the corporate seal, and shall be payable at the expiration of twenty years from the date of the issue of same, and shall bear interest at the rate of four and a half per cent. per annum, payable half-yearly on the second day of February and the second day of August in each year during the said term.

5. The said debentures and interest thereon shall be payable at the Traders Bank of Canada, in the Town of Owen Sound, and the said debentures shall bear date and be issued on the second day of February, 1911, and shall have attached to them coupons, signed by the Mayor and Treasurer of the said Municipality, for the payment of interest as aforesaid.

6. During the currency of the said debt and debentures there shall be raised, assessed and levied yearly by a special rate sufficient therefor on the whole rateable property of the said Town of Owen Sound, the sum of \$900.00 for the payment of interest on the said debentures, and the sum of \$671.64 for the purpose of creating a sinking fund for the payment of the debt hereby secured and debentures issued therefor, making in all the sum of \$1,571.64 to be raised annually by special rate as aforesaid during each year of the said period of twenty years.

7. Debentures shall contain the provisions of Section 343 (1) of the Consolidated Municipal Act, 1903, as to the transference of debentures.

8. The votes of the electors of the Town of Owen Sound entitled to vote thereon shall be taken on this By-law by the same deputy returning officers and poll clerks and in the same polling places as may be appointed by By-law of the said Council for the next annual election of the members of the said Council, and shall be so taken on the same day and during the same hours as the said annual election, that is to say, on Monday, the second day of January, one thousand nine hundred and eleven, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon.

9. That on the 30th day of December next, at his office in the Town Hall, in the Town of Owen Sound, at ten o'clock in the forenoon, the Mayor shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

10. That the Clerk of the said Municipal Corporation shall attend at his office in the Town Hall, in the Town of Owen Sound, at ten o'clock in the forenoon, on Tuesday, the third day of January, 1911, to sum up the number of votes given respectively for and against this By-law.

11. This By-law shall come into force and effect on the final passing thereof by the Council.

Council Chamber, Owen Sound.

.....Mayor.
.....Clerk.

SCHEDULE

SCHEDULE "B."

This indenture made and entered into this 30th day of November, 1910,

between

The Canadian Heating and Ventilating Company, Limited, of the Town of Owen Sound, in the County of Grey, hereinafter called the Company, of the first part,

and

The Municipal Corporation of the Town of Owen Sound, hereinafter called the Corporation, of the second part.

Whereas the Company of the first part have applied to the Corporation for a loan of twenty thousand dollars (\$20,000) to aid them in operating their plant in the Town of Owen Sound and extending the same, upon the terms and conditions hereinafter mentioned.

And whereas, for the purpose aforesaid, the said Corporation hereby agrees, subject to the conditions hereinafter mentioned, to grant the request of the said party of the first part,

Now therefore this Agreement witnesseth, and it is hereby agreed by and between the said parties hereto, and their respective successors and assigns, as follows:—

1. The said party of the first part hereby agrees with the said Corporation:

(a) To employ at least sixty hands for at least ten months in each year, and to maintain and operate the said plant continuously for the said ten months with not less than the said number of hands during the period of twenty years from the 1st day of January, 1911, except in the case of strikes, fire, or other casualties over which they have no control.

(b) To repay to the said Corporation the amount of the said loan of \$20,000 in twenty equal annual instalments of \$1,571.64 each, principal and interest combined, commencing on the 1st day of January, 1912, with interest on the said loan at the rate of four and one-half per cent. per annum payable yearly, said interest to be included in the annual payment to be made by the Company.

(c) To execute as security for the said loan and the carrying out of this Agreement in favor of the said Corporation, a first mortgage covering the site, buildings, machinery, plant and equipment of, and now or hereafter owned by, the said Company, free from all encumbrance and containing the usual covenants.

(d) To insure and keep insured against loss or damage by fire, in an insurance company, or companies, acceptable to the said Corporation, the said buildings, machinery, plant and equipment for a sum not less than the amount of this loan, making the same payable to the said Corporation as their interest may appear; in default thereof the said Corporation may so insure and charge the premium therefor to the said Company.

(e) To consent to the bonusing of any other manufacturer empowered to make the same, or any of the same, articles as the said Company make, or are, or may hereafter, be empowered to make.

2. The said Corporation agrees with the said party of the first part:—

(a) To make the said loan on the aforesaid terms to the said party of the first part.

(b)

(b) To conditionally pass a By-law to ratify the foregoing provisions of this Agreement, and to submit the same to the electors for their approval, and, if so approved, to finally pass the said By-law.

(c) To pay to the said Company the said sum of \$20,000 after the said By-law has been approved by the electors and the necessary steps taken to secure the Corporation and the debentures sold.

3. And it is understood and agreed that this Agreement shall not become operative and binding upon the parties hereto unless and until the assent of the electors shall have been obtained to the passing of the said By-law, and the said shall become valid and binding upon the Corporation of Owen Sound.

In witness whereof the said Company have hereunto set their seal and the hands of the President and Secretary, and the said Corporation their corporate seal and the hands of the Mayor and Clerk.

Signed, sealed and delivered
in the presence of

THE CANADIAN HEATING & VENTILATING COMPANY, LIMITED.

V. A. HARSHAW, *President.*

R. HOWEY, *Secretary.*

Seal

CHAPTER 101.

An Act respecting The Municipality of the
Township of Paipoonge.*Assented to 24th March, 1911.*

Preamble.

WHEREAS The Corporation of the Municipality of Paipoonge has, by petition, represented that on the 14th day of January, 1911, the Council of the said Corporation passed By-law No. 93, set forth in Schedule "A" hereto, and By-law No. 94, set forth in Schedule "B" hereto, and that on the said date the said Council passed the first and second readings of a By-law intituled "A By-law to raise the sum of Four Thousand Dollars by way of Debentures, for the purpose of having the Parliament of Ontario construct a bridge over the Kaministiquia River so as to allow the Mount McKay and Kakabeka Falls Railway Company to pass thereover with its railway," which said By-law is set out in Schedule "C" to this Act, and that the said By-law was published for at least three successive weeks in a newspaper at Fort William, within five weeks prior to the day of voting thereon; That the said By-law was duly submitted to the ratepayers entitled to vote thereon on the 13th day of February, 1911, when out of ninety-eight ratepayers entitled to vote in respect thereof, twenty-eight voted for and twelve against the By-law; That on the 14th day of February, 1911, the Council of the said Corporation caused the said By-law to be read a third time and finally passed the same; and whereas the said Corporation has by its petition prayed that an Act may be passed to confirm and validate the said By-laws; And whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws
Nos. 93
and 94
confirmed.

1. By-law No. 93, intituled "A By-law respecting the exemption from taxation of The Mount McKay and Kakabeka Falls Railway Company," and By-law No. 94, intituled "A By-law permitting the Mount McKay and Kakabeka Falls Railway Company to carry their railway or any part there-

of

of along and upon any public highway in the said Municipality," passed by the Council of the Corporation of the Municipality of Paipoonge on the 14th day of January, 1911, and which said By-laws are set out in Schedules "A" and "B" respectively to this Act are hereby confirmed and declared to be legal, valid and binding By-laws of the said Corporation of the Municipality of Paipoonge.

2. By-law No. 95 of the Corporation of the Municipality of Paipoonge, intituled "A By-law to raise the sum of Four ^{By-law No. 95 confirmed.} Thousand Dollars by way of Debentures for the purpose of having the Parliament of Ontario construct a bridge over the Kaministiquia River, so as to allow the Mount McKay and Kakabeka Falls Railway Company to pass thereover with its railway," as set forth in Schedule "C" to this Act and all debentures issued or to be issued thereunder, and all rates levied or to be levied for the payment thereof are hereby confirmed and declared to be legal, valid and binding.

SCHEDULE "A."

BY-LAW NO. 93, MUNICIPALITY OF THE TOWNSHIP OF PAIPOONGE, ONT.

A By-law respecting the exemption from taxation of Mount McKay and Kakabeka Falls Railway Company.

Whereas The Mount McKay and Kakabeka Falls Railway Company was incorporated by chapter 82 of the Acts passed in the fourth year of His Majesty King Edward the Seventh's reign for the purpose of constructing a railway to be operated as therein provided; and

Whereas the Council of the Municipality of Paipoonge are desirous of assisting the said Company by exempting it and its property used for park and railway purposes within the said Municipality during the currency of this exemption, from all municipal taxation of the said Municipality, except school taxes, for a period of twenty-one years, commencing with the year 1911; and

Whereas by the 149th section of an Act of the Legislature of the Province of Ontario, passed in the sixth year of His Majesty King Edward the Seventh's reign and entitled *The Ontario Railway Act, 1906*, it is provided as follows:

"149.—(1) The Council of any municipality through any part of which the railway passes, or in which it is situate, may by By-law especially passed for that purpose exempt the Company and its property within such municipality, either in whole or in part, from Municipal taxation, but not including taxation for school purposes, or fix a certain sum per annum, or otherwise, by way of commutation, or in lieu of all or any municipal rates or taxes, and for such term of years not exceeding twenty-one years as such Municipal Council may deem expedient, and no such By-law shall be repealed unless in conformity with the conditions contained therein.

"(2) This section shall apply to street railway companies."

Therefore the Municipal Council of the Municipality of Paipoonge enacts as follows:

That

That the said Company and its property used during the currency of this exemption for railway purposes and Lot 4, Concession "B," north of the Kaministiquia River, in the said Township, used for public park purposes, be and the same hereby are exempted from all municipal taxation of the said Municipality, except school taxes, for a period of twenty-one years commencing with the year 1911.

This By-law shall come into force and take effect on the day of the passing thereof.

Given under the seal of the said Municipality and hands of its Reeve and Clerk this 14th day of January, 1911.

D. J. PIPER,
Reeve.

G. F. SCHOLEFIELD,
Clerk.

SCHEDULE "B."

BY-LAW NO. 94, MUNICIPALITY OF THE TOWNSHIP OF PAIPOONGE, ONT.

A By-law permitting the Mount McKay and Kakabeka Falls Railway Company to carry their railway or any part thereof along and upon any public highway in the said Municipality.

The Municipal Council of the Municipality of Paipoonge enacts as follows:

1. That the railway authorized to be constructed by the Mount McKay and Kakabeka Falls Railway Company, under and pursuant to "An Act to incorporate the Mount McKay and Kakabeka Falls Railway Company," being chapter 82 of the Statutes of Ontario passed in the fourth year of His Majesty King Edward the Seventh's reign, or any part thereof, may be carried along and upon any public highway in the said Municipality subject to the provisions contained in the above recited Act.

Given under the seal of the said Municipality and hands of its Reeve and Clerk, this 14th day of January, 1911.

D. J. PIPER,
Reeve.

G. F. SCOLEFIELD,
Clerk.

SCHEDULE "C."

BY-LAW NO. 95, TOWNSHIP OF PAIPOONGE.

A By-law to raise the sum of Four Thousand (\$4,000.00) Dollars by way of debentures; for the purpose of having the Parliament of Ontario construct a bridge over the Kaministiquia River so as to allow the Mount McKay and Kakabeka Falls Railway Company to pass thereover with its railway.

Whereas the Parliament of Ontario is about to construct a bridge over the Kaministiquia River at or near the boundary between Lots Eight (8) and Nine (9) South of the Kaministiquia River in the said Township where the Government has staked a survey for the proposed bridge, suitable for vehicular and pedestrian traffic and has offered to construct such bridge so as to allow the Mount McKay and Kakabeka Falls Railway Company to maintain
and

and operate its railway thereover, in consideration of receiving Four Thousand (\$4,000.00) Dollars;

And whereas a majority of the said Council of Paipoonge have presented a petition to the Council of the said Municipality on behalf of a section of the said municipality, which said section is comprised as follows: Being all of Lots One (1) to Twenty-five (25) inclusive, situate in Concessions A to Six inclusive, on the South side of the Kaministiquia River in the Township of Paipoonge in the District of Thunder Bay, expressing the desire of the said section to aid the said Railway Company to the amount of Four Thousand (\$4,000.00) Dollars, by raising the said sum of Four Thousand (\$4,000.00) Dollars by way of debentures on the rateable property in the said section, payable within twenty years, with interest at five per centum per annum, payable half-yearly—and to pay over the said debentures, or the proceeds thereof, to the Parliament of Ontario to secure the construction of the said bridge as aforesaid;

And whereas the sum of Four Thousand (\$4,000.00) Dollars is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said section of the said municipality, according to the last revised assessment roll, is \$173,125.00 and of the whole of the said Municipality is \$406,174.50;

And whereas the total amount of the existing debenture debt of the said Municipality amounts to \$17,011.00 of which no part of the principal or interest is in arrear;

And whereas the exclusive debenture debt of the said section, being for school purposes, amounts to \$5,100.00, of which no part of the principal or interest is in arrear;

And whereas in order to provide for the said debt, it is expedient to issue debentures of the said Municipality to the amount of Four Thousand (\$4,000.00) Dollars bearing interest at five per centum per annum;

And whereas it will require the sum of \$200.00 to be raised annually for a period of twenty years (the currency of the debentures to be issued under and by virtue of this by-law) to pay the interest on the said debt and the sum of \$148.87 to be raised annually during the said period of twenty years, for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due and payable; making in all the sum of \$348.87 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$348.87 to be raised annually for a period of twenty years by a special rate on the

whole rateable property in the said section for the payment of the said debt and interest as aforesaid;

Therefore the Council of the Corporation of the Municipality of Paipoonge enacts as follows:

1. It shall and may be lawful for the said Corporation and it is hereby empowered to borrow the said sum of Four Thousand (\$4,000.00) Dollars on the credit of the said Corporation for the purposes aforesaid, and to issue debentures of the said Corporation and which debentures or proceeds thereof shall be handed over to the Parliament of Ontario for the purposes aforesaid, to the sum of Four Thousand (\$4,000.00) Dollars in sums of not less than one hundred dollars each, payable within twenty years from the date of issuing such debentures and to bear interest at five per centum per annum, payable half-yearly.

2. The said debentures shall bear date as of the day of issue thereof and shall be signed by the Reeve and Treasurer thereof and sealed with the corporate seal.

3. During the said period of twenty years the currency of the debentures to be issued hereunder there shall be raised and levied annually upon the whole rateable property in the said section of the said Municipality, in addition to all other rates, levies and assessments, the said sum of \$200.00 to pay the interest on the said debentures and also the further sum of \$148.87 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$348.87 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of the interest thereon. And the said debentures as to payment of principal and interest shall be payable at the Bank of Montreal, Fort William.

5. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this Municipal Corporation, be transferable except by entry by the treasurer or his deputy in the Debenture Registry Book of the said Corporation in the said Municipality," or to the like effect.

6. This by-law shall come into force on the day of the final passing thereof.

7. That the votes of the electors of the said section of the said Municipality entitled to vote on this by-law shall be taken on Monday, the 13th day of February, 1911, commencing at the hour of nine o'clock in the forenoon, and closing at the hour of five o'clock in the afternoon of the same day at the polling place and by the returning officer hereinafter mentioned, that is to say:—

At Institute Hall situate on Lot 15, Concession 3, south of the Kaministiquia River, in the said section of the said Municipality, with G. B. Smith as deputy returning officer.

8. That on Friday, the tenth day of February, 1911, at ten o'clock in the forenoon, the reeve of the said Municipality will attend at the Council Chamber in Rosslyn Hall, in the said Municipality, for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the clerk of the Municipality of the votes polled by this by-law, and also of appointing one person at the said polling place on behalf of the persons interested in and desirous of promoting and passing this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Tuesday, the fourteenth day of February, 1911, at the hour of eleven o'clock in the forenoon, at the Council Chamber aforesaid, the clerk of the said Municipality will proceed to sum up the number of votes given for and against this by-law.

Done and passed in Council this day of
1911, as witnessed by the hands of its proper officers and the seal
of the said Corporation.

D. J. PIPER,
Reeve.

G. F. SCHOLEFIELD,
Clerk.

CHAPTER 102.

An Act to Confirm By-law No. 396 of the Town of Palmerston.

Assented to 24th March, 1911.

WHEREAS the Corporation of the Town of Palmers- Preamble.
ton (hereinafter called the Corporation) on the seventh day of June, 1910, passed their By-law Number 396, authorizing the issue of debentures of the said Corporation to the amount of \$10,000.00, payable in twenty annual instalments with interest at the rate of five per centum per annum, to pay the floating indebtedness of the said Corporation, the said By-law having been submitted to the vote of the duly qualified electors on the ninth day of May, 1910, and carried by 96 votes for, with 27 votes against (which said By-law Number 396 is set out in Schedule "A" to this Act), and have represented that no objection whatever has been made to the said By-law, and have prayed that such By-law may be confirmed and that such By-law and the debentures issued or to be issued thereunder be declared legal, valid and binding, and it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 396 of the Municipal Corporation of the Town of Palmerston, set out in Schedule "A" to this Act, is confirmed, and it is declared that the said By-law and the debentures issued or to be issued thereunder are legal, valid and binding on the said Corporation and the ratepayers thereof. By-law
No. 396.

SCHEDULE "A."

BY-LAW NO. 396 OF THE TOWN OF PALMERSTON.

A By-law to authorize the Municipality of the Town of Palmerston to issue debentures to the amount of \$10,000.00 for the purpose of paying off the present floating indebtedness of the said municipality.

Whereas

Whereas, the said Municipality of the Town of Palmerston has an outstanding floating indebtedness amounting to the sum of \$10,000.00, which indebtedness has been accumulating for a number of years and is represented by an overdraft in the Bank of Hamilton for the said sum of \$10,000.00;

And whereas the Bank of Hamilton is pressing for payment of the said sum of \$10,000.00;

And whereas the said Municipality is unable at the present time to pay the said floating indebtedness of \$10,000.00, in addition to meeting its necessary annual expenditure;

And whereas it has been deemed expedient, in order to pay off the said floating indebtedness, that the sum of \$10,000.00, being the amount of debt intended to be created by this By-law, shall be raised upon the debentures of this Corporation, and shall be repaid within twenty years from the date of the final passing of this By-law, and in such sums annually that the principal and interest computed at the rate of five per centum per annum, payable in each of the said twenty years, shall in the aggregate equal the aggregate amount payable for principal and interest in each of the other years in the said twenty years' period;

And whereas the amount required to be raised annually during the said period of twenty years upon all the rateable property in the said Municipality to meet said annual payments of principal and interest is the sum of \$802.43, being for principal and for interest in each of the said years the amounts respectively set forth opposite each year in columns 4 and 6 of the Schedule hereto marked "A";

And whereas the amount of the whole rateable property of the said Municipality of the Town of Palmerston, according to the last revised assessment roll, being for the year 1909, is \$594,000.00;

And whereas the amount of the existing debenture debt of the said Municipality of the Town of Palmerston (exclusive of local improvement debts secured by special Acts, rates or assessments) is \$136,746.47, upon which no sum is in arrear for principal or interest, and there is to the credit of the Sinking Fund to pay the same the sum of \$4,038.75;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Palmerston as follows:—

1. It shall be lawful for the said Municipality to borrow upon the security of its debentures hereinafter mentioned, which it is hereby authorized to issue therefor, the said sum of \$10,000.000 (or such portion thereof as may be found sufficient) for the purpose of paying off the said floating indebtedness, and the sum so borrowed shall be repaid within twenty years from the final passing of this By-law and shall bear interest at the rate of five per centum per annum on the unpaid portion thereof, payable yearly.

2. The debentures (numbered as set forth in Column 1 of Schedule hereto marked "A") shall be twenty in number and for the several amounts of principal set forth in column 4 of said Schedule "A" and one of the said twenty debentures issued under the provisions of this By-law shall be payable on the anniversary of the final passing of this By-law in each of the years respectively set opposite the same in Column 2 of the said Schedule "A."

3. The said debentures issued under the provisions of this By-law shall bear interest at the rate of five per centum per annum, payable yearly during the currency thereof at the same time and place as the several amounts of principal, and shall have attached to them coupons for the payment of the said interest to the number and for the amounts respectively set forth in Columns 3 and 5 of said Schedule "A" hereto, which said coupons shall be signed by the Mayor and Treasurer of the said Town of Palmerston.

4. For the purpose of paying off the said debentures as they respectively become due there shall be raised annually during the said twenty years' period, or until the said loan is sooner paid off upon all the rateable property in this Municipality of the Town of Palmerston the amount of principal and the amount of interest payable in each year as set out in columns 4 and 6 respectively of said Schedule "A," which shall be levied by special rate.

5. All debentures required to raise the said loan shall be issued and disposed of by the Treasurer of this Municipality when and as directed by resolution of the Municipal Council of the Town of Palmerston, and shall be payable at the office of the said Treasurer in Palmerston; the Mayor and Treasurer shall sign each such debenture and the Clerk shall affix thereto the corporate seal.

6. This By-law shall take effect on the date of the final passing thereof.

7. The votes of the duly qualified electors of the said Municipality of the Town of Palmerston shall be taken on this By-law by the deputy-returning officers hereinafter named, on Monday, the ninth day of May, 1910, commencing at nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day at the undermentioned places:—

In the *North Ward* the polling place shall be at Joseph Nicholson's shoe shop on the north side of Main Street, and Isaiah Rabb shall be deputy-returning officer therefor, and George Merrick, poll clerk.

In the *West Ward* the polling place shall be at the Council Chamber in the Public Library Building, and David Schofe shall be deputy-returning officer therefor, and Thomas McDermott, poll clerk.

In the *East Ward* the polling place shall be at the Public School Building, and William Beattie shall be deputy-returning officer therefor, and E. K. Scott, poll clerk.

8. That on Saturday, the seventh day of May, 1910, at his office in the Council Chamber, in the Public Library Building, in the said Town of Palmerston, at the hour of twelve o'clock noon, the Mayor shall appoint in writing signed by himself, two persons to attend at the final summing up of the votes by the Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

9. That the Clerk of the said Municipal Council of the Town of Palmerston shall attend at the Council Chamber in the Public Library Building in the said Town of Palmerston, at the hour of twelve o'clock noon, on Tuesday, the 10th day of May, 1910, to sum up the number of votes given for and against this By-law.

Finally passed in open Council this seventh day of June, 1910.

"M. C. BURNS,"

Mayor.

(Seal.)

"H. HYNDMAN,"

Clerk.

Schedule "A"

to the foregoing By-law No. 396 of the Town of Palmerston, showing the number of each debenture to be issued, the year in which it is payable, the number of interest coupons attached to each debenture, the amount of each interest coupon, the amount of interest payable yearly, the amount of principal payable yearly, and the total yearly payment.

Col. 1. No. of Debenture.	Col. 2. Year in which payable.	Col. 3. No. of Interest Coupons attached.	Col. 4. Amount of Principal for which Debenture is issued.	Col. 5. Amount of each Interest Coupon.	Col. 6. Amount of Interest payable yearly.	Col. 7. Total Yearly Payment.
1	1911	1	\$302.43	\$15.12	\$500.00	\$802.43
2	1912	2	317.55	15.87	484.88	802.43
3	1913	3	333.42	16.68	469.01	802.43
4	1914	4	350.10	17.50	452.33	802.43
5	1915	5	367.60	18.38	434.83	802.43
6	1916	6	385.98	19.30	416.45	802.43
7	1917	7	405.28	20.26	397.15	802.43
8	1918	8	425.54	21.28	376.89	802.43
9	1919	9	446.82	22.34	355.61	802.43
10	1920	10	469.16	23.46	333.27	802.43
11	1921	11	492.62	24.63	309.81	802.43
12	1922	12	517.25	25.86	285.18	802.43
13	1923	13	543.11	27.16	259.32	802.43
14	1924	14	570.27	28.51	232.16	802.43
15	1925	15	598.78	29.94	203.65	802.43
16	1926	16	628.72	31.44	173.71	802.43
17	1927	17	660.16	33.01	142.27	802.43
18	1928	18	693.17	34.65	109.26	802.43
19	1929	19	727.82	36.40	74.61	802.43
20	1930	20	764.22	38.21	38.21	802.43
			\$10,000.00		\$6,048.60	\$16,048.60

CHAPTER 193.

An Act respecting the City of Peterborough.

Assented to 24th March, 1911.

WHEREAS the Corporation of the City of Peterborough has by petition represented that the Council was authorized to raise \$6,000 under By-Law No. 1119 and \$13,850 under By-Law No. 1270 for the purpose of reconstructing and repairing bridges in the City of Peterborough and of said amounts there remains unexpended the sum of \$4,041.27, which sum it is desirable the Council should be authorized to use for or towards the payment of the cost of constructing and repairing other bridges and culverts or other similar work in the Municipality; that under By-Law No. 1126, ratified and confirmed by Chapter 67 of the Acts passed in the fifth year of His late Majesty's Reign and set out as Schedule "A" thereto it is provided that the land in said By-Law particularly described should be conveyed to The Peterborough Cereal Company (Limited) on the terms and conditions therein set out and the said Company has complied with all of said conditions except that provided for by clause (b) of section 2 of said By-Law, the compliance with which has become unnecessary, and it was intended by said By-Law to authorize the Council to convey to the Company the said land in fee simple free from all conditions, restrictions, and provisions on the payment to the Corporation of the sum of \$1,000, being the value placed on said land at the time the said By-Law was passed, and the said Company has offered to pay the said sum, but doubts have arisen as to whether the terms of the said By-Law correctly sets forth the authority so intended, and it is desirable in order to remove such doubts to authorize such conveyance free from all conditions, restrictions, and provisions, on payment of the said sum; that there is no public institution in the City of Peterborough for the care of the poor, but an unincorporated association called The Peterborough Protestant Home, has for the past forty-five years by voluntary subscriptions and interest on the investment of

Preamble.

a fund bequeathed for such purpose with some assistance from the Province and the City, taken charge of those of the Protestant poor of the City for whom there was room in the present building, but the premises now used have become inadequate for the purpose, and the members of the said Association have offered to the Council that if the Council would grant them a site for and the sum of \$10,000 towards the erection of a suitable building that they would erect same at a cost of not less than \$20,000, and also supply the necessary furniture and carry on the work as heretofore and the said Association have represented that they have an endowment fund of \$20,000, and have also on hand or will provide a further sum sufficient with the said sum of \$10,000 if granted by the City for the purposes aforesaid, and in order to carry out such proposal it is desirable that the said Association should be incorporated, which they have undertaken to do, under the provisions of the Ontario Companies' Act, and that the Council should be authorized to pass a By-Law without submitting the same to the ratepayers to raise the said sum of \$10,000 for the said purpose, and to levy and collect the interest and sinking fund required for the payment of the debentures issued thereunder exclusively upon the rateable property of the ratepayers who are not Roman Catholics, and also to assist in carrying on said work as heretofore that the Council should be authorized to levy in each year upon the rateable property of the ratepayers who are not Roman Catholics a sum sufficient to maintain at said Home such of the inmates as may have been admitted by order or under the authority of the Council; that for the past twelve years there has also been maintained in said City an institution called the House of Providence under the control of the Roman Catholic Episcopal Corporation of Peterborough for the care of the Roman Catholic poor, which has been maintained, with some assistance from the Province and the City by voluntary subscriptions, and the authorities of said House of Providence have agreed to carry on the said work as heretofore, and it is desirable that the Council should in order to assist in said work be authorized to levy in each year upon the rateable property of ratepayers who are Roman Catholics a sum sufficient to maintain at said House of Providence such of the Roman Catholic inmates thereof as have been admitted to same and are maintained therein by order or under the authority of the Council: that it is desirable that the following By-Laws be ratified and confirmed, namely: By-Law No. 1539 passed on the 6th day of June, 1910, to fix the assessment of B. F. Ackerman, Son & Company, except for school purposes, at the sum of \$15,000 for a period of ten years, which By-Law is set out

as Schedule "A" hereto: By-Law No. 1555 passed on the 3rd day of October, 1910, to fix the assessment of The Peterborough Lock Manufacturing Company (Limited) except for school purposes, at the sum of \$25,000 for a period of ten years, which By-Law is set out as Schedule "B" hereto: To authorize the Council to finally pass a By-law to aid The Bonner-Worth Company (Limited) set out as Schedule "C" hereto, by advancing by way of loan the cost of the land for a site and the erection of a factory building thereon, not exceeding the sum of \$12,000, and to issue the debentures of the Corporation therefor, and to exempt the buildings, plant, machinery, and the business assessment of the Company from taxes, except for school purposes, for a period of ten years, which was submitted to the vote of the duly qualified ratepayer of the City on the 2nd day of January, 1911, when 1,179 voted in favour and 421 against the same, and said By-law was carried by a majority of 758, but did not receive the necessary majority required by the provision of The Consolidated Municipal Act, 1903, and that said By-Law when finally passed may be declared legal, valid, and binding: To authorize the execution of an agreement with Charles E. Dittman in respect to natural gas contained in the By-Law set out as Schedule "D" hereto, and to authorize the Council to provide that for the first ten years of the term of twenty years in said agreement mentioned the Corporation will not grant to or allow any other person, firm, or corporation the use of the streets and lanes of the City for the purpose of laying pipes for supplying natural gas to the inhabitants of the City, which By-Law was submitted to the vote of the ratepayers of the City on the 2nd day of January, 1911, when 1,890 voted in favour and 622 against the same, and the said By-Law was carried by a majority of 1,268; and whereas the value of the whole rateable property of the Municipality according to the last revised assessment roll is the sum of \$8,873,145, and the existing debenture debt, exclusive of local improvement debts payable by local special rates, but including the debt incurred for the purchase and improvement of the waterworks, which is a first charge on the waterworks system, is the sum of \$1,145,023.90, particulars of which are as follows:—

Waterworks \$452,000—Local Improvements (General) \$121,436.91—Public Schools \$128,900—Collegiate Institute \$79,036.99—General City Debenture \$363,650, and there is in the hands of the City Trust Commission over \$218,000 of a sinking fund in respect to said debentures; And whereas it is expedient to grant the prayer of the said Petition;

Therefore

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Applica-
tion of
surplus
under By-
laws 1119
and 1270.

1. The Council of the City of Peterborough is authorized to use and expend the sum of \$4,041.27, the unexpended balance raised under the provisions of By-Laws Nos. 1119 and 1270 of the Corporation, towards the payment of the cost of constructing and repairing any bridges or culverts or other similar work heretofore or hereafter constructed in the said City.

Authority
to convey
certain
land to
Peter-
borough
Cereal Co.

2. The said Council and the Peterborough City Trust are authorized and empowered to convey to the Peterborough Cereal Company (Limited) in fee simple free from all conditions, restrictions, or provisos whatsoever, that part of the reserve along the River Otonabee and of the land formerly covered with water opposite the same described in By-Law No. 1126 of the Corporation, on payment to the Corporation of the sum of \$1,000 therefor.

Payment
of \$10,000
to Peter-
borough
Protestant
Home
authorized.

3. The Council of the City of Peterborough, without obtaining the assent of the ratepayers of the Municipality, may pass a By-Law for the purpose of providing for and authorizing the borrowing on the credit of the Municipality of the sum of \$10,000 to pay the proportion of the cost to be provided by the City towards the erection of a building for the use of the said Peterborough Protestant Home, and to be used for that purpose and paid over to the said Peterborough Protestant Home if it shall have become incorporated under the provisions of *The Ontario Companies Act* and have entered into a contract for the erection of such building at a cost of at least \$20,000, and may issue the debentures of the Corporation to be payable within thirty years from the date of the issue thereof, and may levy and collect the interest and sinking fund required for the payment of the said debentures exclusively upon and out of the whole rateable property in the Municipality except property assessed as rateable for the support of Separate Schools.

Special
rates for
mainten-
ance of
Home.

4. The said Council may levy and collect each year upon and out of the rateable property in the Municipality, except property assessed as rateable for the support of Separate Schools, a sum sufficient to maintain at the Peterborough Protestant Home such of the Protestant inmates thereof as have been admitted thereto and are maintained therein by order or under the authority of the City Council, and who are unable to pay for such maintenance

maintenance and said sum shall be entered on the Collector's Roll and be payable to and collected by the Collector of Taxes in the same way as other rates on said Roll, and the amount so collected or a sufficient part thereof to pay for the maintenance during the year the same is collected of any inmates who have been admitted to and are maintained in said Home as aforesaid shall be paid over to the said Peterborough Protestant Home for said purpose, and the City Council may require to be furnished with a memorandum showing the names of and the length of time any such inmates have been in said Home and the cost of their maintenance certified as correct by the President and Secretary, or the said Council may enter into an agreement with the said Peterborough Protestant Home to pay at a fixed rate per week or per month for the maintenance of the inmates admitted and maintained as aforesaid, and may out of the money so collected pay to the said Home the amount payable under said agreement.

5. The Mayor of the City and the Chairman of the Finance Committee of the Council shall be *ex-officio* members of the Board of Directors or other governing body of the said Peterborough Protestant Home, provided said Mayor or Chairman is not a Roman Catholic, and in that case the City Council may appoint one of its members, not being a Roman Catholic, to represent it on the said Board instead of the said Mayor or Chairman or two of its members not being Roman Catholics, in case both the Mayor and Chairman are Roman Catholics.

6. The said Council may levy and collect each year upon and out of the rateable property in the Municipality assessed as rateable for the support of Separate Schools a sum sufficient to maintain at the said House of Providence such of the Roman Catholic inmates thereof as have been admitted thereto and maintained therein by order or under the authority of the City Council, and who are unable to pay for such maintenance, and said sum shall be entered on the Collector's Roll and be payable to and collected by the Collector of Taxes in the same way as other rates on said Roll, and the amount so collected or a sufficient part thereof to pay for the maintenance in said House of Providence during the year the same is collected of any Roman Catholic inmates who have been admitted to and are maintained in said House of Providence as aforesaid shall be paid over to the said House of Providence for said purpose and the City Council may require to be furnished with a memorandum showing the names of and the length of time such inmates have been in said House of Providence, and the cost of their maintenance

ance, certified as correct by the Mother Superior, or the said Council may enter into an agreement with the said House of Providence to pay at a fixed rate per week or per month for the maintenance of the inmates admitted and maintained as aforesaid, and may out of the moneys so collected pay to the said House of Providence the amount payable under said agreement.

By-law No. 1539, fixing assessment of B. F. Ackerman, Son & Company, confirmed.

7. After By-law Number 1539 of the said Corporation passed on the sixth day of June, 1910, intituled "A By-law to fix the assessment of B. F. Ackerman, Son & Company," and set out as Schedule "A" hereto, has been submitted to the votes of the qualified freeholders of the said City and has received the assent of three-fifths of such freeholders voting thereon, it shall be legal, valid and binding according to the true intent and meaning thereof.

By-law No. 1555, fixing assessment of Peterborough Lock Mfg. Co., confirmed.

8. After By-law Number 1555 of the said Corporation passed on the third day of October, 1910, intituled "A By-law to fix the assessment of The Peterborough Lock Manufacturing Company (Limited)" and set out as Schedule "B" hereto, has been submitted to the votes of the qualified freeholders of the said City and has received the assent of three-fifths of such freeholders voting thereon, it shall be legal, valid and binding according to the true intent and meaning thereof.

Power to pass a By-law to aid The Bonner-Worth Co.

9. The Council of the said City may finally pass the By-law intituled "A By-law to aid The Bonner-Worth Company (Limited)," in the form set out in Schedule "C" hereto and from and after the final passing thereof and on the delivery by the said Company to the Corporation of a duly executed undertaking and agreement to carry out on its part the provisions of the said By-Law which have to be performed, observed and kept by it in such form as may be satisfactory to the Council, such By-law shall be legal, valid and binding, according to the true intent and meaning thereof.

Power to execute agreement with Chas. E. Dittman.

10. The Council of the said City may execute the agreement set out in the By-law Number 1581 of the said corporation, passed on the 6th day of February, 1911, and intituled "A By-law to authorize the execution of an agreement with Charles E. Dittman in respect to natural gas," set out as Schedule "D" hereto, granting to the said Charles E. Dittman or his assigns or a Company to be formed for the purposes in said agreement mentioned, the right to the use of the streets and public lanes of the City for the term of twenty years upon the terms and conditions in said agreement set out, and provided he or they

performs,

performs, fulfils and keeps and continues to perform, fulfil and keep the covenants and agreements in said agreement contained on the part of the said Charles E. Dittman or his assigns or the said Company to be performed, fulfilled and kept, also to agree that for the first ten years of said term it will not grant or allow any other person, firm or corporation the use of the streets and public lanes of the City, or any of them, for the purpose of laying pipes for the supply of natural gas to the inhabitants of the City.

SCHEDULE "A."

BY-LAW NUMBER 1539.

A By-Law to fix the assessment of Messrs. B. F. Ackerman, Son & Company.

Passed the 6th day of June, 1910.

Whereas Messrs. B. F. Ackerman, Son & Company have represented to the Council of the City of Peterborough that they propose, if they are granted a fixed assessment on their real estate in the City of Peterborough hereinafter mentioned, that they will purchase an additional fifty feet of land adjoining on the north of their present property at the corner of George and Dalhousie Streets, in the City of Peterborough, and will expend at least the sum of \$8,000 in building thereon an addition to their present factory sufficiently large to enable them to employ from fifty to seventy-five additional employees.

And whereas the said firm are manufacturers of harness, horse collars, horse clothing and other articles of a like nature, and are the only manufacturing concern in the City in this line, and the Council of the said City has agreed to pass this By-Law for the purpose of granting such fixed assessment, subject to the confirmation thereof by the Legislature.

The Corporation of the City of Peterborough, by the Council thereof, therefore enacts as follows:—

1. This By-Law shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario, and upon Messrs. B. F. Ackerman, Son & Company executing an undertaking, agreeing not to oppose the construction of any sewers or sidewalks, as local improvements, abutting or fronting on the property in Section 2 hereof mentioned, or any part thereof, that the Council may desire to construct under the provisions of The Municipal Act relating to local improvements.

2. Provided the said firm of B. F. Ackerman, Son & Company shall become the owners in fee simple of all the land hereinafter mentioned, and shall, on or before the First day of December, 1910, have expended at least the sum of \$8,000 in erecting an addition to their present manufacturing establishment in the City of Peterborough, situated at the corner of George and Dalhousie Streets, sufficiently large to enable the said firm to employ from fifty to seventy-five additional employees, the assessment of said land being that part of Lot Number One north of Dalhousie Street and west of George Street, in the said City of Peterborough, described as follows, namely: commencing at the south-east angle of said Lot Number One, thence northerly along the eastern limit of said lot one hundred and thirty feet, thence westerly parallel with the southern limit of said lot one hundred and seventy-one feet more or less to a lane,

thence

thence southerly parallel with the eastern limit of said lot one hundred and thirty feet to the southern limit of said lot, and thence easterly along said southern limit one hundred and seventy-one feet more or less to the place of beginning, while used exclusively for manufacturing purposes, or the part so used for manufacturing purposes, and the buildings, plant, machinery and fixtures thereon, and the business assessment thereof on which taxes are to be levied, shall be fixed, and remain fixed, while the same are so used at the sum of fifteen thousand dollars for a period of ten years from the first day of January, 1911, and the return and oath of the assessor or assessors in respect thereof shall be amended accordingly, but the same shall, for school purposes, be and remain liable to assessment and the payment of school taxes and rates to as full an extent as if this By-law had not been passed, and the assessment for school purposes and the school rates and taxes shall be made, levied and collected thereon in accordance with the provisions of the general law in that behalf, and the said lands shall also be liable for all frontage and local improvement assessment, rates and taxes that may be charged against the same, and any dwellings erected on the said lands, and the land appurtenant to any said dwellings shall not be included in the fixed assessment hereunder, but such dwellings and land, while used as such, shall be assessed as provided by The Assessment Act then in force; provided, however, that if the said B. F. Ackerman, Son & Company shall at any time within the said term of ten years fail or neglect to operate and carry on the said manufacturing establishment substantially to its capacity during at least ten months in any year, then such fixed assessment shall cease, and the taxes, rent and rates on said lands, buildings, plant, machinery and fixtures, and the business assessment thereof shall be the same as if this By-Law had not been passed; provided always that if the failure to carry on said business is due to strikes or to the destruction of the said buildings, plant, machinery or fixtures by fire or tempest, the time during which the said business shall so cease to be carried on in consequence of such strikes or destruction of the buildings, plant, machinery or fixtures (not exceeding in either case one year), shall not be taken as a failure or neglect to carry on the said business so as to disentitle the said firm to such fixed assessment.

(Sgd.) W. G. MORROW, *Mayor*.

(Sgd.) S. R. ARMSTRONG, *Clerk*.

SCHEDULE "B."

BY-LAW NUMBER 1555.

A By-Law to fix the assessment of The Peterborough Lock Manufacturing Company (Limited).

Passed the third day of October, 1910.

Whereas The Peterborough Lock Manufacturing Company (Limited) has represented to the Council of the City of Peterborough that it is the only manufacturing concern in the City of Peterborough engaged in the manufacture of locks and other articles manufactured by it, and has to compete with manufacturers in the same line of business in other places who have received and are enjoying Municipal assistance, making it difficult for the said Company to meet such competition, and has applied to the Council for a fixed assessment on the real estate, plant and business assessment of the said Company in the City of Peterborough at the sum of \$25,000, and the said Council has agreed thereto and to pass this By-Law for that purpose, subject to the confirmation thereof by the Legislature.

The

The Corporation of the City of Peterborough, by the Council thereof, therefore enacts as follows:—

1. This By-Law shall take effect upon and only upon the confirmation thereof by the Legislative Assembly of the Province of Ontario, and upon the said Peterborough Lock Manufacturing Company (Limited) executing an agreement not to oppose the construction of any work as a local improvement abutting or fronting on, or the cost or part of the cost of which might be assessed or charged against the property in Section 2 hereof described, or any part thereof, that the said Council may desire to construct under the provisions of the Municipal Act relating to local improvements.

2. The assessment of the following lands in the City of Peterborough owned, occupied and used by The Peterborough Lock Manufacturing Company (Limited), and being Lot Number Four north of Simcoe Street and west of George Street, and that part of Lot Number Three north of Simcoe Street and west of George Street, described as follows:—Commencing on the western limit of the said Lot Number Three, at a point seventy-seven feet six inches north from the south-west angle thereof; thence northerly along the said western limit of the said lot to the northern limit thereof; thence easterly along said northern limit eighteen feet; thence south and parallel to the western limit of said lot to a point seventy-seven feet six inches north of said Simcoe Street; thence westerly and parallel to the southern limit of the said lot to the place of beginning, while used exclusively for the manufacturing purposes of the Company, or the part so used for such manufacturing purposes, and the buildings, plant, machinery and fixtures thereon, and the business assessment thereof on which taxes are to be levied, shall be fixed and remain fixed while the same are so used, and while at least an average of one hundred hands are employed therein for at least ten months of each year, at the sum of \$25,000 for a period of ten years from the first day of January, 1911, and the return and oath of the assessor or assessors in respect thereof shall be amended accordingly, but the same shall, for school purposes, be and remain liable to assessment and the payment of school taxes and rates to as full an extent as if this By-Law had not been passed, and the assessment for school purposes and the school rates and taxes shall be made, levied and collected thereon in accordance with the provisions of the general law in that behalf, and the said lands shall also be liable for all frontage and local improvement assessments, rates and taxes that are now or may hereafter be charged against the same, and any buildings on the said lands not used exclusively for the business of the Company, and the land appurtenant to same shall not be included in the fixed assessment hereunder, but such buildings and land, while not used as aforesaid, shall be assessed as provided by the Assessment Act then in force; provided, however, that if the said Company shall at any time within the said term of ten years fail or neglect to operate and carry on the said manufacturing establishment substantially to the capacity thereof, and therein to employ at least an average of one hundred hands during at least ten months in each year, then such fixed assessment shall cease, and the taxes and rates on the said lands, buildings, plant, machinery and fixtures and on the business assessment thereof shall be and become payable to the same amount and in the same manner as if this By-Law had not been passed; provided always that if the failure to carry on the said business is due to strikes or destruction of the buildings, plant, machinery or fixtures by fire or tempest, the time during which the said business shall so cease to be carried on in consequence of such strikes or destruction of the buildings, plant, machinery or fixtures (not exceeding in either case one year) shall not be taken as a failure or neglect to carry on the said business, so as to disentitle the said Company to such fixed assessment.

3. The said Peterborough Lock Manufacturing Company (Limited) shall, prior to the first day of March in each year, file with the City Clerk a statutory declaration, made by an officer of the Company,

pany, who shall therein state his knowledge of the facts, proving that the said Company has complied with and is observing all the terms, conditions and provisions of this By-Law, and on the neglect of the said Company to furnish such declaration it shall be *prima facie* taken that such terms, conditions and provisions have not been performed, observed and kept, and the said fixed assessment shall cease, and the taxes and rates shall be and become payable to the same amount and in the same manner as if this By-Law had not been passed.

(Sgd.) W. G. MORROW, *Mayor*.

(Sgd.) S. R. ARMSTRONG, *Clerk*.

SCHEDULE "C."

BY-LAW NUMBER —.

A By-law to Aid the Bonner-Worth Company, Limited.

Passed the day of 191 .

Whereas Messrs. Isaac Bonner and Edgar Worth intend to form a Company for the manufacture of worsted yarn and other similar industries and to incorporate the same under the name of The Bonner-Worth Company (Limited) with the authorized capital hereinafter mentioned, and have proposed to the Council of the City of Peterborough to establish the factory of the said Company in and to carry on its business at the said city, and for that purpose to purchase land for a site for and erect thereon a building of the material and size and to install therein machinery of the value hereinafter set out, and to employ in said factory within one year from the completion of the erection thereof at least thirty operatives, provided the City will agree to assist the said proposed Company by advancing to it by way of loan the cost of said land and building, not exceeding in all the sum of \$12,000, without interest, the same to be advanced and repaid as hereinafter mentioned and will grant the said proposed Company exemption from municipal taxes on the said building and the machinery and plant therein, and the business assessment of the Company for the term of ten years on the conditions hereinafter set out.

And whereas there is at present in the said City no other manufacturing establishment carrying on the same business as the one intended to be carried on by the said proposed Company, and it is desirable and in the public interest in order to secure the location of the said factory in the City of Peterborough, to accept the said proposal upon the terms and conditions hereinafter set out.

And whereas it has been arranged between the said parties and the Council that the said Messrs. Bonner and Worth or the said proposed Company shall in the meantime purchase, pay for and obtain a conveyance to themselves or the said Company of the land required for the site of said factory and after the purchase thereof proceed to erect the necessary building thereon for its purposes of the material and of at least the size herein mentioned, and to install therein machinery and plant to the value of at least \$18,000, of which at least \$2,000 in value thereof shall be fixed machinery and plant to be included in the mortgage hereinafter provided for, and when said land is purchased and conveyed as aforesaid and said building is erected and ready for occupation that the Corporation will advance to the Company one-half the cost of the land and buildings up to the sum of \$6,000, and when said machinery and plant have been installed therein at the cost aforesaid and the said factory has been in operation for one year and is employing therein at least thirty operatives, that the Corporation will advance to the Company the

other

other one-half of the cost of said land and buildings up to the sum of \$6,000, provided the terms and conditions hereinafter mentioned entitling the Company to the same have been fully complied with and the security hereinafter mentioned has been given.

And whereas in order to enable the Corporation to make the said loan it will be necessary to issue the debentures of the Corporation for a sum not exceeding the sum of \$12,000 or such less sum as may be required for the purpose aforesaid, which is the amount of the debt intended to be created by this By-law, but as the said sum is to be payable in instalments as aforesaid and it is undesirable to have any part thereof in hand and unused, it will be to the advantage of the Municipality to issue the said debentures in instalments, the said debentures shall be issued in instalments not exceeding \$6,000 when the same is required for the purposes of this By-law, but so that the first instalment shall be issued within two years, and the second within five years from the passing of this By-law.

And whereas the amount of the whole rateable property of the Municipality according to the last revised assessment roll is the sum of \$8,873,145 and the amount of the existing debt of the Municipality, exclusive of local improvement debts payable by local special rates, but including the debt of \$452,000.00 incurred for the purchase and improvement of the waterworks, is the sum of \$1,157,840.64, and there is no part of the principal or interest in arrear.

And whereas there will require to be raised annually during the currency of the debentures to be issued hereunder to pay the interest on the said debt a sum not exceeding the sum of \$540 less the interest that may be received on the investment of the instalments of the said loan as the same are repaid and the instalments of principal to be received from the said Company in the repayment of the said loan, being sufficient for the purpose of repaying the same at the maturity thereof, it is not necessary that a sinking fund should be created for that purpose, but all payments received from the said Company in repayment of the said loan shall be paid to the Peterborough City Trust to be held and invested and applied as to said principal in payment of the said debt at the maturity thereof and as to the interest on the investments of the portion of the principal repaid in reduction of the said interest, but in the event of a sinking fund for any reason being required for the purpose of paying the said debt, there shall be raised in any year during the currency of the said debentures, that the same may be required, a sum sufficient with the estimated interest on the investment thereof at the rate of four per cent. per annum to pay the said debt or the balance thereof when the same becomes due.

The Corporation of the City of Peterborough, by the Council thereof, enacts as follows:—

1. This By-law shall take effect on the final passing thereof, but shall not be finally passed or have any force or effect unless and until it has been submitted to and received the assent of the requisite number of the ratepayers of the Municipality who are entitled to vote on the By-law, or is ratified and confirmed by the Legislature of the Province of Ontario, or until the said Company shall have delivered to the Corporation a duly executed agreement to carry out on its part the provisions of this By-law to be performed, observed and kept by the Company, and also an undertaking agreeing not to oppose the construction of any sewers or sidewalks as local improvements that the Council may desire to construct under the provisions of the Municipal Act relating to local improvements. The said Council on its part hereby agreeing to submit the By-law to the votes of the duly qualified ratepayers of the Municipality, and, if necessary in order to bring it into effect, to apply to the Legislature for the ratification and confirmation thereof.

2. It shall be lawful for the Corporation of the City of Peterborough to borrow the sum of \$12,000, or such less sum as may be required

required for the purposes aforesaid, and to issue the debentures of the Corporation therefor in instalments as the same are required, such debentures to be sealed with the Corporate Seal of the City of Peterborough, and to be signed by the Mayor and Treasurer, and countersigned by the Secretary of the Peterborough City Trust, to be payable within fifteen years from the date of the issue thereof respectively, and to bear interest at the rate of four and one-half per centum per annum, payable half-yearly on the thirtieth day of June and thirty-first day of December in each year, and to have coupons attached thereto for the payment of such interest—such debentures as to principal and interest to be payable at the office of the Secretary of the Peterborough City Trust at the City of Peterborough, or at such other place as the said Council may by resolution appoint.

3. There shall be raised and levied during each year of the currency of the said debentures by a special rate sufficient therefor upon all the rateable property in the City of Peterborough the sum of \$540 for payment of the interest on said debentures or such less sum as may be necessary to pay the interest on debentures issued under this By-law at the said rate of four and one-half per centum per annum, less, however, the interest that may be received on the investment of any instalments repaid by the said Company on said loan, and no sums shall be raised as a sinking fund to pay the said debentures at the maturity thereof, but the amount received in repayment of the said loan shall be paid to the Peterborough City Trust and by said Trust invested, held and applied for the payment of the said debentures at the maturity thereof, provided, however, that if by reason of the non-payment of the said loan or any instalment thereof, a sinking fund is necessary for the purpose of providing for the payment of the said debentures, or any of them, when the same becomes payable, there shall be raised and levied each year that the same is required for said purpose a sum sufficient with the estimated interest on the investment thereof at the rate of four per centum per annum to pay the said debentures at the maturity thereof.

4. There shall be paid to the said Company within one month after it shall become entitled thereto under the terms hereof, so much of the said sum authorized to be borrowed under the provisions hereof as the Company shall become entitled to by complying with the terms and conditions hereinafter set out and furnishing proof satisfactory to the Council of the same and upon and only upon the said terms and conditions, namely:—

(1) That the said Company shall on or before the first day of June, 1911, be incorporated under The Ontario Companies Act with an authorized capital of at least \$100,000, and shall by said date have stock subscribed and paid in cash to the amount of at least \$35,000 as working capital.

(2) That the said Company shall on or before the first day of June, 1911, have acquired and shall hold by a good title in fee simple free of incumbrances a site for its factory in the City of Peterborough of sufficient size for its purposes.

(3) That the Company shall on or before the first day of September, 1911, have erected on said land a two-storey building of brick, concrete or steel, with basement, suitable for its business at least 75 feet by 80 feet in size, or its equivalent, and shall on or before the first day of January, 1912, have the same equipped with machinery and plant suitable for the said business at a cost for said machinery and plant of at least \$18,000, at least \$2,000 of which shall be for fixed machinery and plant to be included in the mortgage hereinafter provided for, and shall on or before the said first day of June, 1912, have the same in operation and employing therein at least thirty operatives, the cost of said building and machinery and plant as represented by the Company, if not agreed to by the Council, to be ascertained and fixed by a valuator agreed on by the Company and Council, or if they cannot agree on the appointment of a valuator within

two weeks after the Company has furnished its evidence of such value to the Council, then by arbitrators appointed under the provisions of The Arbitration Act.

(4) That the Company shall have entered into a covenant with the Peterborough City Trust satisfactory to the City Solicitor to observe, perform and keep all the terms, conditions, stipulations and agreements in this By-law set out to be observed, performed and kept on its part including the following:—

(a) That the Company will repay to the Peterborough City Trust the amount of said loan in annual instalments of \$1,000 each, the first of such instalments to be made within one year after the payment to the Company of the last instalment of the loan hereby authorized to be made and yearly thereafter, with the right to said Company to increase the amount of said annual payments or to repay the whole of the said loan or any balance thereof that may remain due at any time, in the meantime, with the right to the Council of the said Corporation in its discretion to demand repayment of the said sum or the balance thereof then remaining unpaid, if at any time (except in the case of strikes or damage by fire as hereinafter provided), the said Company shall have in its employment at its said manufacturing establishment in the City of Peterborough for ten months in any year (after the first year of its operation) an average of less than thirty operatives, such repayment to be made within three months after the said Council shall have passed a resolution making such demand and mailed a copy thereof addressed to the said Company at the City of Peterborough.

Provided, however, that if the failure to employ the said number of operatives as above mentioned in the said manufacturing establishment is due to a general strike of the employees or of a sufficient number of them to prevent the said Company carrying on the said manufacturing business in the regular manner or to the destruction or damage of the buildings or machinery by fire or tempest, so as to prevent the said Company carrying on the said business in the regular manner, the time during which the business shall cease to be so carried on in consequence of such strikes or destruction or damage of the said buildings or machinery, not exceeding in either case one year, shall not be counted in the period to entitle the Council of the said City to demand payment of the amount of the said loan or the balance thereof then *unpaid* as above mentioned.

(b) That in case default shall happen to be made of or in the payment of the said sum or any instalment thereof as provided by subclause (a) hereof, or any part thereof, for the space of one month after the same becomes due and payable, or in case of default of or in the doing, observing, performing, fulfilling or keeping of any of the other provisions, agreements or terms herein or in said covenant mentioned, and such default shall continue for one month, then in every such case the whole of said sum or that portion thereof remaining unpaid shall forthwith become due and payable, and it shall and may be lawful for the City Trust, after giving written notice to the said Company of its intention in that behalf, either by service on the President or Secretary of the Company or by letter addressed to the Company at the City of Peterborough, not less than thirty days previously, and without any further notice or consent or concurrence of the said Company, to enter into possession of and hold the said lands of the Company and the buildings thereon, and that part of the said plant which are fixtures, and whether in or out of possession of the same, if thereunto authorized by by-law of the Corporation of the said City, to make any lease or leases thereof, or of any part thereof, and also if and when considered advisable and if thereunto authorized by by-law of the Corporation of the said City, to sell and absolutely dispose of the same or any of them or any part or parts thereof for any sum or sums and in any way the said City Council may by said by-law direct, and the said City Trust, if thereunto authorized

as aforesaid, shall have power and authority to assure and convey the same if and when so sold to the purchaser or purchasers thereof by proper and sufficient conveyance and conveyances.

(c) That the said Company will until the whole of the said loan is repaid keep the said lands and buildings and the said fixtures in good order, condition and repair, according to the nature and description thereof, and in case of neglect or default in so doing the provisions mentioned in sub-clause (a) hereof shall apply by reason of such neglect or default, and the amount of the said loan or of that portion then unpaid shall become payable as in said sub-clause (a) set out.

(d) That the said Company will insure and until the said loan is fully repaid will keep insured against loss or damage by fire the said buildings and fixtures on the land hereinbefore mentioned in the sum of at least the full amount of said loan of the balance thereof remaining unpaid in some Insurance Company or Companies approved of by the said City Trust (such approval not to be unreasonably withheld) and will pay all premiums and sums of money necessary for such purposes as the same shall become due, and will make the amount payable under the policy or policies payable to the said City Trust, as its interest may appear, and will deliver to the said City Trust the policy or policies of insurance when issued and the receipts thereto appertaining respectively not later than three days before the premiums on the said policies become due respectively, and in default thereof the said City Trust may pay any premiums or sums of money necessary for said insurance, and the said Company shall forthwith repay same with interest at the rate of six per cent. per annum to the said City Trust, it being understood that in the event of the said Company effecting its insurance on its buildings and machinery in the form of a blanket policy or policies and causing the loss, if any, thereunder to be made payable to the said City Trust to the extent of the unpaid amount of said loan, it shall be a sufficient compliance with the said provision as to delivery of policies if the said Company shall deliver to the said City Trust a duplicate of said policy or policies or an acknowledgment by the Insurance Company or Companies of the interest therein of the said City Trust.

(e) That the said Company as security for the repayment of the said loan will execute and deliver to the said City Trust a first mortgage on the said lands and the buildings and fixtures thereon, which fixtures shall be of the value of at least \$2,000, and shall as far as said mortgage is concerned, be held to be part of the realty and covered and embraced in said mortgage, and the said mortgage shall be a continuing security until the said loan is fully paid off according to the terms and conditions of this By-law.

(f) That the said Company shall at all times until said loan is paid off have at least \$15,000 worth of machinery and plant in said building, but shall be at liberty from time to time to substitute new and modern plant and machinery for the plant, machinery and fixtures in the said manufacturing establishment, provided the said new and modern plant and machinery is of equal or greater value than that for which it is substituted, and notice is given to the Secretary of the City Trust, giving the price and description of such substituted plant and machinery.

5. Provided the said Company shall in every respect have complied with, carried out and performed the terms and conditions on its part herein mentioned, entitling it, to the same, the said City Council will pay to the said Company the first half of the loan herein provided for as soon as the said building of the size heretofore set out is fully erected on the said land and is ready for occupation, and will within one year after the said building is fully equipped with machinery and plant costing not less than \$18,000 and the said factory is in operation and employing therein at least thirty operatives, pay to the said Company the balance of the said loan.

6. The said Company shall prior to the first day of March in each year file with the City Clerk a statutory declaration made by two officers of the Company, who shall therein state their knowledge of the facts, proving the extent to which the Company has complied with and is observing all the terms, conditions and provisions of this By-law and those contained in the said covenant, and on neglect of the said Company to furnish such declaration it shall be *prima facie* taken that such terms, conditions and provisions have not been performed, observed and kept.

7. Provided the said Company shall carry out and continue to carry out the terms and conditions of this By-law, and in the said covenant set out to be observed, performed and kept by it, and shall on or before the dates above mentioned purchase the said site, erect the said building and equip the same as aforesaid and have the same in operation and employing therein the number of operatives above mentioned, the buildings of the Company used exclusively for manufacturing purposes and the plant, machinery and the business assessment of the Company shall for a period of ten years from the first day of January, 1912, be exempt from all taxes, rates and assessments, except taxes for school purposes, for which they shall be and remain liable, but nevertheless the land used by the said Company shall be and remain liable to assessment for all municipal purposes and for all municipal rates and taxes, including local improvement rates, and the oath of the assessor or assessors shall be amended accordingly, but provided said Company shall fail or neglect during said term of ten years to carry out the said terms and conditions and to operate and carry on the said business as aforesaid, then such exemption shall cease and the rates and taxes payable in respect to the said buildings, machinery, plant and business assessment shall be and become payable in respect to the said buildings in the same manner as if this By-law had not been passed.

8. The votes of the electors of the City of Peterborough qualified to vote on By-laws for creating debts shall be taken upon this By-law on the second day of January, 1911, being the same day as the annual elections for the Municipal Council for the year 1911, and the polls will be held during the same hours, at the same places and by the same Deputy Returning Officers and Poll Clerks as are fixed and appointed for the said annual municipal elections.

9. The third day of January, 1911, at the hour of twelve o'clock noon, and the City Clerk's Office are hereby fixed as the time when and the place where the Clerk will sum up the number of votes given for and against the By-law.

10. The thirty-first day of December, 1910, at the hour of twelve o'clock noon, and the office of the City Clerk are hereby fixed as the time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passing of the By-law respectively.

Mayor.

Clerk.

' SCHEDULE "D."

BY-LAW NUMBER 1581.

A By-law to authorize the execution of an Agreement with Charles E. Dittman in respect to Natural Gas.

Passed the 6th day of February, 1911.

The

The Corporation of the City of Peterborough, by the Council thereof, enacts as follows:—

1. Upon the execution by the said Charles E. Dittman of an agreement in the form set out in the schedule to this By-law, the Mayor and Clerk are authorized to execute the same and affix the Corporate Seal thereto, and to fill in the date of said agreement.

2. The votes of the electors of the City of Peterborough shall be taken upon this By-law on the second day of January, 1911, being the same day as the annual elections for the Municipal Council for the year 1911, and the polls will be held during the same hours, at the same places and by the same Deputy Returning Officers and Poll Clerks as are fixed and appointed for the said annual municipal elections.

3. The third day of January, 1911, at the hour of twelve o'clock noon and the City Clerk's Office are hereby fixed as the time when and the place where the Clerk will sum up the number of votes given for and against the By-law.

4. The thirty-first day of December, 1910, at the hour of twelve o'clock noon and the office of the City Clerk are hereby fixed as the time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passing of the By-law respectively.

Mayor.

Clerk.

Schedule.

This agreement, made in duplicate this day of in
the year of our Lord one thousand nine hundred and

between

The Corporation of the City of Peterborough (hereinafter called the Corporation) of the first part,

—and—

Charles E. Dittman, of the Town of Waynesburg, in the State of Pennsylvania, one of the United States of America, of the second part.

Whereas the party of the second part and his associates have represented to the Council of the said Corporation that they propose to make tests and borings in the vicinity of the City of Peterborough for the purpose of ascertaining if sufficient natural gas can be obtained to enable them to supply the inhabitants of the City with the same for domestic and manufacturing purposes and have requested the said Council to agree that in case within one year from the date hereof such natural gas should be found in sufficient quantities for the purposes aforesaid to grant to the party of the second part or his assigns or a company to be hereafter formed the right to use the streets and public lanes in the said City for laying pipes thereon for the purpose of supplying such natural gas to those who may become consumers thereof and in the opinion of the Council of the said Corporation it is desirable and in the public interest if the said party of the second part or his assigns or the said Company performs, fulfils and keeps the covenants and agreements hereafter contained to grant such request upon and subject to the terms and conditions hereinafter mentioned.

This

This agreement therefore witnesseth that in pursuance of the premises and the agreement on behalf of the Corporation hereinafter contained the party of the second part for himself and his assigns hereby covenants and agrees with the Corporation as follows:—

1. That he and his associates will as soon as possible and not later than the first day of March, 1911, commence and thereafter continue boring operations within the County of Peterborough and within one year from the date hereof will spend at least six thousand dollars (\$6,000) in same, and take such other action as may be necessary to ascertain within said time if a sufficient supply of gas for the purposes aforesaid can be obtained in the vicinity of the City of Peterborough, and will use due diligence in prosecuting the said work and endeavoring to procure and furnish natural gas, and will within said term of one year from the date hereof furnish the Corporation with evidence satisfactory to the Corporation that said sum of \$6,000 has been expended for the purposes aforesaid, and said work has been continuously prosecuted, and in default of such evidence being furnished it shall be *prima facie* taken that the same has not been done.

2. That if such natural gas sufficient for the purposes aforesaid is found, the party of the second part and his associates or a company to be hereafter formed will within two years from the date hereof lay the necessary pipes from the source of the supply of such natural gas to the City of Peterborough, and do such other works as may be necessary to supply and will supply the inhabitants of the said City with the same within said two years.

3. That the pressure under which such natural gas shall be supplied shall be not less than four ounces per square inch at the meter of the consumer, and the price to be charged therefor under said pressure shall not exceed fifty cents per one thousand cubic feet for domestic use nor twenty-five cents per one thousand cubic feet for manufacturing purposes.

4. That at all times a good and efficient service will be furnished and gas supplied to the inhabitants of the said City desiring to use the said natural gas so long as there is a sufficient supply for the said purpose, and the users of said gas for domestic purposes shall have at all times the first right to the said gas, and manufacturers shall be entitled only to any surplus that may remain after all users of said gas for domestic purposes have been supplied.

5. That in case the said party of the second part or his assigns or the Company to be hereafter formed for the purposes aforesaid shall fail to start said boring operations on or before the first day of March, 1911, and within one year from the date hereof expend the said sum of \$6,000 therein, and shall have found natural gas sufficient for the purposes aforesaid, or should fail to install the said system and furnish the said natural gas within two years from the date hereof, or if the operations for either of said purposes are abandoned, stopped or suspended for a period of two months at any time, then in any of said events, any rights and privileges hereby granted or agreed to be granted by the Corporation shall *ipso facto* cease and be at an end, and the said party of the second part or his assigns or the said Company shall not, nor shall either of them enjoy, acquire or be entitled to the right to use the streets and lanes of the said City for the purposes aforesaid or any of them, and should the said party of the second part or his assigns or the said Company at any time after such installation fail to operate said system and furnish gas as aforesaid, provided such failure to operate is not caused by strikes, accidents or unforeseen or inevitable casualty, and in that case not exceeding thirty days, or should sell natural gas to any other person, persons or company and a higher price is charged to consumers for it than is provided for in this agreement, or should enter into a combination or amalgamation with or an arrangement or agreement for sharing or dividing profits, or sell out to any other

person or company doing a like business in the City of Peterborough, then in any of said events the right to use the streets and lanes of the City of Peterborough and all rights and privileges hereunder shall *ipso facto* cease, or in case of the breach of any of the other terms hereof, then the right to use the streets and lanes of the said City and all rights and privileges hereunder shall, after notice has been given by the Corporation of the default and the same has not been remedied within two months after the notice has been given, *ipso facto* cease.

6. That before the said party of the second part or his assigns or any company formed as aforesaid shall lay, relay or change any pipes for the distribution of natural gas on any of the streets or public lanes in the said City an application accompanied by a plan and profile shall be furnished the City Engineer showing the proposed location of the said pipes on the said streets or lanes or parts of said streets or lanes on which it is desired to lay such pipes, and the approval of the Engineer shall be obtained before any work is done, and unless such application is furnished before the first day of April in any year no pipes shall be laid, relaid or changed on any of the said streets or lanes during that year without the express consent of the Council being first obtained, and no such pipes shall be laid without such consent being first obtained, and wherever practicable the lanes shall be used for such purpose instead of the streets, provided, however, that in case it is necessary to make connections from the pipes already laid to the street line of the property of any person desiring to use the said natural gas and at least three days' previous notice in writing is given to the said Engineer designating the connections it is desired to put in and his approval is obtained thereto, such connections may be made, and all such connections shall be put as nearly as possible at right angles to the street line, and provided further that in the event of any leaks occurring in the pipes, repairs to prevent same may be made after notice to the said Engineer, either by telephone or letter, and in case of notice by telephone the same shall the same day be confirmed by letter to the Engineer.

7. That all said works shall be done under the control and to the satisfaction of the Engineer, and the person or company doing the same shall not do unnecessary damage to or incur or obstruct the streets or lanes on which said work is being done, and shall preserve a free and uninterrupted passage for persons and vehicles on the said streets and lanes, while the work is in progress, and shall place guards or fences at the openings, and at night place lighted lamps on same, and take all other necessary precautions for the prevention of accidents to persons using the said streets or lanes, and shall finish the work with expedition, and at once replace the soil and immediately restore the streets and lanes to as good a condition as they were in before the said work was commenced, and will lay the said pipes and connections so that the same will not interfere with, obstruct, injure or damage the Corporation's sewers, water-pipes, water tables, drainage and other Corporation works or the private property of any person, firm or corporation.

8. That the person or company doing or operating the said work and supplying said natural gas shall and will indemnify and save harmless and keep indemnified and harmless the said Corporation from all claims, actions, damages, loss, costs and expenses whatever arising or occurring by reason of the construction, maintaining, repairing or operating the said system or in any way connected therewith or relating thereto or resulting from or rising out of the same or by reason or on account of any matter or thing done, permitted or omitted to be done by the said person or company under or by reason of this agreement, or the failure or neglect of the said person or company to do or perform anything which he or the said Company is by agreement or by law required to do or perform, and will pay to any person, firm or body corporate any damages such

person,

person, firm or body corporate may sustain in consequence of any act, omission or default of the said person or company doing or operating the said work or supplying said natural gas.

9. That if required by the Corporation, the Street Commissioner or some other officer appointed by the Council shall be appointed to superintend the opening and filling in the trenches and replacing the soil and restoring the streets and lanes to their proper condition, and the person or company doing said work shall on demand pay the reasonable expenses of such superintendence.

And this agreement further witnesseth that in consideration of the premises, the said Corporation hereby agrees with the said party of the second part and his assigns that, provided natural gas sufficient for the purposes above mentioned is sought, found and supplied in the manner and within the times above mentioned and he or his assigns or a Company to be hereafter formed for the purposes aforesaid performs, fulfils and keeps the covenants and agreements above set out on the part of the party of the second part or his assigns or the said Company to be performed, observed and kept, that the said party of the second part (or his assigns or a Company to be formed as aforesaid after first entering into an agreement with the said Corporation in the terms hereof) may for a period of twenty years from the first day of January, 1911, use such of the streets and public lanes of the said City of Peterborough as may be required for the purposes aforesaid upon and subject to the terms and conditions above mentioned for the purpose of laying pipes and connections for supplying natural gas to the inhabitants of the said City, but nothing herein contained shall be deemed to limit or interfere with the control of the streets or public lanes of the said City by the said Corporation under The Municipal Act or any By-law or agreement now in force or hereafter passed, or entered into.

And it is further agreed by the said Corporation that provided the said party of the second part or his assigns or a Company to be formed for the purposes aforesaid performs, fulfils and keeps the covenants and agreements above set out on the part of the party of the second part or his assigns or a Company to be hereafter formed as aforesaid to be performed, fulfilled and kept, and authority can be obtained for that purpose, for which authority it hereby agrees to apply on being paid the cost thereof, that for the first ten years of the said term of twenty years the said Corporation will not grant to or allow any other person, firm or corporation the use of the streets and public lanes of the said City or any of them for the purpose of laying pipes for supplying natural gas to the inhabitants of the said City.

In witness whereof the Corporation has caused its Corporate Seal to be affixed, attested by the hand of its Mayor and Clerk, and the party of the second part has hereunto set his hand and seal.

Signed, sealed and delivered in the presence of

(Seal)

CHAPTER 104.

An Act respecting the City of Port Arthur.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Municipal Corporation of the City of Port Arthur has by petition represented that the by-laws specified in Schedule "A" hereto have all been submitted to and approved of by the qualified ratepayers and it is desirable that they should be validated and confirmed in order that the debentures may be more readily and profitably disposed of; that authority should be granted to construct private drain connections, water service pipes and other sanitary appliances in any buildings on any street on which water mains and sewers have been constructed; that all assessment rolls, tax sales and deeds held and given prior to December 31st, 1910, should be confirmed; that sub-section 3, of section 1 of the Act passed in the 8th year of His late Majesty's Reign, Chaptered 105, providing that lots having a frontage of over 300 feet should not be liable to be charged with the special rate imposed for water work purposes should be repealed; and whereas the said Corporation has prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws in
Schedule
"A"
confirmed.

1. The by-laws specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all rates levied for the payment of the said debentures are ratified and confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof.

Construc-
tion of
private
drain con-
nections and
sanitary
improve-
ments in
buildings.

2. (1) Upon the report of the Local Board of Health recommending the same the Council may by by-law provide that all necessary private drain connections, water service pipes, plumbing works, and all sanitary improvements and appliances should be made, constructed and installed in any building

building by the said corporation and for such purposes the officers, servants or workmen employed by the said corporation may enter any such building without the consent of the owner, tenant or occupant.

(2) Upon completion of the work the engineer of the corporation shall file with the assessor of the corporation a certificate under his hand stating the number and description of the lot wherein the work has been constructed and the actual cost of the work.

(3) The cost of such work together with interest thereon not exceeding 5 per cent. shall be specially assessed and charged against the lot whereon the work was constructed and shall be repayable in five equal annual instalments and shall be collected in the same manner as ordinary taxes.

(4) The Corporation may agree with any bank or person for temporary advances to meet the cost of any number of such works and on the completion thereof may pass a by-law without the assent of the electors to borrow money by the issue of debentures to pay the cost of such works, and shall by such by-law impose a special rate on each lot whereon any such work has been constructed for the repayment of such debentures.

(5) Such debentures may be guaranteed by the corporation at large, and may be purchased by the corporation in the same manner as local improvement debentures may be purchased.

Tax Sales
and Deeds
confirmed.

3. (1) All sales of land in the City of Port Arthur made prior to the 31st day of December, 1909, and which purport to be made by the Corporation of the said City for arrears of taxes in respect to lands so sold, are hereby validated and confirmed, and all deeds of lands so sold, executed by the Mayor and Treasurer of the said City purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed and shall have the effect of vesting the lands so sold and conveyed, or purported to be sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns and of all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold.

(2) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same

same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

Sub-sec. 3
of sec. 1 of
8 Edw. VII.,
cap. 105,
repealed.

4. Sub-section 3 of Section 1 of the Act passed in the 8th year of His late Majesty's Reign Chaptered 105 is repealed.

Power to
levy \$10,000
for publicity
and indus-
trial ad-
vancement
purposes.

5. The Council of the said City may raise and levy upon the whole rateable property in the said City in each year a sum not exceeding \$10,000 for Publicity Purposes and for the Industrial Advancement of the City.

Short
title.

6. This Act may be cited as *The City of Port Arthur Act, 1911.*

SCHEDULE "A."

By-law No. 455. By-law to grant to the Port Arthur Young Men's Christian Association the sum of \$6,000.00 to purchase additional land for the site for the new buildings of the said Association.

By-law No. 479A. By-law to issue debentures for a further additional \$26,000 for the erection, completion and equipment of the Collegiate Institute in the City of Port Arthur.

By-law No. 477A. By-law to issue debentures for \$26,000 for the enlargement of the Public School Building in Ward 3, in the city of Port Arthur.

By-law No. 480. By-law to authorize the issuing of debentures of the amount of \$11,800.00 to make up the difference between the sums produced by the sale of certain debentures to be issued, bearing interest at the rate of $4\frac{1}{2}$ per cent. per annum, and debentures for a like amount bearing interest at the rate of 5 per cent. per annum.

By-law No. 481. By-law to authorize the issuing of sterling debentures bearing interest at the rate of $4\frac{1}{2}$ per cent. per annum, in place of debentures bearing interest at 5 per cent. per annum authorized by the respective by-laws hereinafter mentioned.

By-law No. 488. By-law to raise the sum of \$75,000 to pay for 80 lb. steel rails on Cumberland Street, and to pay for that portion of the paving of Cumberland Street not chargeable by local frontage to the property owners.

By-law No. 489. By-law to raise the sum of \$15,000 to pay for that portion of the paving of Arthur Street not chargeable by local frontage to the property owners, and to pay for the construction of a second street railway track thereon.

By-law No. 490. By-law to authorize the expenditure of \$12,000 for the extension of street lighting, and to issue debentures therefor.

By-law No. 491. To provide for the extension of a system of sewers, and to issue debentures therefor.

By-Law No. 509. By-law to raise the sum of \$12,000 for a fire alarm system, and to issue debentures therefor.

By-law

By-law No. 510. By-law to raise the sum of \$5,000 for a donation to the Dominion Government to assist in the erection of an armory building and to issue debentures therefor.

By-law No. 511. By-law to raise the sum of \$6,500, to provide for the purchase of an electric motor and pump at the Power House, and to issue debentures therefor.

By-law No. 512. By-law to authorize an agreement respecting the establishment of a Marconi Wireless Station in the City of Port Arthur.

By-law No. 513. By-law to raise the sum of \$12,000 to provide for the extension of the present Municipal Building on Arthur Street, at the rear to Cooke Street, and to issue debentures therefor.

By-law No. 515. By-law to raise the sum of \$15,000 to provide for telephone conduits and extensions, and to issue debentures therefor.

By-law No. 516. By-law to raise the sum of \$10,000 to provide for the purchase of a motor generator at the Hydro-Electric Station, and to issue debentures therefor.

CHAPTER 105.

An Act respecting the Village of Port Carling.

Assented to 24th March, 1911.

Preamble.

WHEREAS by an Act passed in the fifty-ninth year of the reign of Her late Majesty Queen Victoria, chapter 89, the Village of Port Carling was incorporated, but the lands hereinafter mentioned were not included therein, because of objection on the part of the then owners of said lands; and whereas said lands have since been subdivided and are now owned by various other persons, who, or the majority of whom, are desirous of having same included within the limits of said Village; and whereas by reason of their situation the said lands would naturally form part of said Village, and the Municipal Council of said Village desires to have same duly incorporated therewith and has petitioned therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

59 V., c. 89,
s. 2,
amended.

1. Section 2 of the Act passed in the fifty-ninth year of the reign of Her late Majesty Queen Victoria, Chaptered 89, intituled *An Act to Incorporate the Village of Port Carling*, is amended by striking out all the words after the word "beginning" in the seventeenth line thereof.

Part of
Township
of Medora
added to
Port
Carling.

2. From and after the date of the passing of this Act lots 31, 32 and 33 in the Fifth Concession, and lots 31, 32 and 33 in the Sixth Concession, of the Township of Medora, shall be and form part of the Village of Port Carling.

CHAPTER 106.

An Act to Confirm By-law No. 486 of the Town of Renfrew.

Assented to 24th March, 1911.

WHEREAS the Corporation of the Town of Renfrew has Preamble.
 by Petition represented that By-law No. 486 of the said Town set out in Schedule "A" hereto was duly submitted to the ratepayers of the said Town properly qualified to vote thereon on the 21st day of May, 1910, as required by *The Consolidated Municipal Act, 1903*, and amendments thereto, whereupon out of the property owners entitled to vote on said By-law, 199 voted for and 18 against said By-law; and that on the Thirtieth day of May, 1910, said By-law was given its third reading and finally passed by the Municipal Council of the said Town; and whereas the amount of the rateable property of the said Corporation according to the last revised Assessment Roll is \$1,343,480.00; and the existing debenture debts of the said Corporation, exclusive of the Local Improvement Debenture debts secured by special assessments therefor, at the time of the passing of said By-law amounted to the sum of \$105,466.81, and no part of the principal or interest thereof is in arrears; and whereas the said Corporation has by its petition prayed that the said By-law be validated and confirmed; and whereas no opposition has been offered to the petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 486 of the Corporation of the Town of Renfrew, as set out in Schedule "A" hereto, is hereby By-law No. 486 of Town of Renfrew confirmed. ratified and confirmed and declared to be legal, valid and binding on the said Corporation, and on the ratepayers thereof; and the said Corporation is hereby declared to be and to have been since the final passing of said By-law, authorized and empowered to do all necessary and proper acts for the full and effectual carrying out of the objects of the said By-law, and the debentures issued or to be issued thereunder,

thereunder, when so issued, are declared to be legal, valid and binding on the said Corporation and the ratepayers thereof.

SCHEDULE "A."

BY-LAW 486.

For the purpose of raising by way of debentures the sum of \$82,000.00 for the development of a larger and more economical water power, with electric power and steam power auxiliaries, for the purposes of the water works system of the Town of Renfrew, as well as to supply power if at any time necessary or desirable for the lighting of the Town and for the distribution of electric power for manufacturing purposes.

Whereas, in the opinion of the Council of the Corporation of the Town of Renfrew, it is necessary and desirable to more fully develop the water power already purchased and to generate thereby electric power for the use of the Corporation of the Town of Renfrew, and at the same time furnish citizens of the said Town and others with the advantages of cheap power for manufacturing and other purposes and to harmonize the various conflicting power interests that have so long hampered the most effective development of all the powers available, and for so doing to purchase certain water powers and water privileges and dams, namely,

The Renfrew Milling Company, Limited,
The Logan Bros., Limited,
The Renfrew Knitting Company, and
The Hough Power,

and to install certain machinery for pumping water and distributing light and power;

And whereas The Hydro-Electric Power Commission of Ontario and The Ontario Railway and Municipal Board have approved of the borrowing of \$35,000.00 for the development of power for water works pumping;

And whereas for the larger development now proposed, it will require the consent of the property owners for the expenditure of an additional sum of \$82,000.00 to purchase the said water powers, water privileges and dams, and install machinery and plant as shown by the following estimates of J. B. McRae, Civil Engineer;

Estimates and Report of J. B. McRae, C.E., as to the cost of the purchase of rights and development of power, also details of power to be sold, and the revenue to be derived therefrom:—

FOR WATER RIGHTS.

The Renfrew Milling Company, Limited ..\$	25,000 00
The Logan Bros., Limited	9,000 00
The Renfrew Knitting Company	6,000 00
The Hough Power	17,000 00
Development	60,000 00
	<hr/>
	\$117,000 00

REVENUE.

The Renfrew Milling Company, Minimum, 150 h.p. at \$3,000 per annum.

The Logan Bros., Limited, minimum, 40 h.p. at \$800 per annum.

The Renfrew Knitting Company, minimum, 30 h.p. at \$600 per annum.

The Renfrew Electric Company, 50 h.p. at \$1,000 per annum.

Water

Water works, minimum, 100 h.p. at \$2,000 per annum.
Total, \$7,400.

And whereas for the purpose of purchasing said water power and dams and extending and improving the Town water works system and installing light and power system, as above mentioned, it will be necessary to borrow the said sum of \$82,000 on the credit of the said municipality, to be raised by debentures payable as hereinafter provided;

And whereas it is desirable to make the principal of the said debt repayable by annual instalments during the period of thirty years next after the issue of the debentures therefor, such instalments of principal to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years;

And whereas it will be necessary to raise annually for the period of thirty years during the currency of the debentures hereafter by a special rate sufficient therefor on all the rateable property of the municipality, the sum of \$5,034.06 for paying the several instalments of principal and interest thereon at the rate of 4 1-2 per cent. per annum;

And whereas the amount of the whole rateable property of the said Town of Renfrew, according to the last revised assessment roll being for the year 1909, is the sum of \$1,337,505.80;

And whereas, the existing debenture debt of the said Town of Renfrew, exclusive of Local Improvement debenture debt secured by special estimates therefor, amounts to the sum of \$106,466.81 and no part of the principal or interest thereof is in arrear.

Therefore, The Municipal Council of the Corporation of the Town of Renfrew enacts as follows:—

1. That it shall be lawful for the Mayor of the said Town, for the purposes aforesaid, to borrow on the credit of the Corporation of the Town of Renfrew the sum of \$82,000.00 and to issue debentures of the said Municipality to the amount of \$82,000.00 in sums of not less than \$100.00 each.

2. The said debentures shall have attached to them coupons for the payment of interest at the rate of 4 1-2 per cent. per annum, which coupons shall be signed by the Mayor and Treasurer, and shall be payable yearly during the continuance of the said debentures.

3. The said debentures as to principal and interest shall be payable at the agency of the Bank of Ottawa in Renfrew, and shall be dated on the 30th day of May, 1910.

4. That it shall be lawful for the Mayor of the said Municipality and he is hereby authorized and instructed to sign and issue the said debentures and to cause the same and the interest coupons thereto attached, to be signed by the Treasurer of the said Municipality and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

5. That for the purpose of paying the said debentures and the interest on the same during the currency thereof the sum of \$5,034.06 shall be raised annually and levied in the same manner, and at the same time as the taxes are levied by special rate over and above the other rates upon the whole rateable property in the said Town of Renfrew in each year for the period of thirty years, after the date of the final passing of this By-law and during the period which the said debentures have to run, and the said sum of \$5,034.06 shall in each year be appropriated to the payment of the said debentures and interest as follows:—

Principal,

	Principal.	Interest.	Total.
1st year	\$ 1,344 06	\$3,690 00	\$5,034 06
2nd year	1,404 55	3,629 51	5,034 06
3rd year	1,467 75	3,566 31	5,034 06
4th year	1,533 80	3,500 26	5,034 06
5th year	1,602 82	3,431 24	5,034 06
6th year	1,674 95	3,359 11	5,034 06
7th year	1,750 32	3,283 74	5,034 06
8th year	1,829 10	3,204 96	5,034 06
9th year	1,911 40	3,122 66	5,034 06
10th year	1,997 41	3,036 65	5,034 06
11th year	2,087 29	2,946 77	5,034 06
12th year	2,181 22	2,852 84	5,034 06
13th year	2,279 38	2,754 68	5,034 06
14th year	2,381 95	2,652 11	5,034 06
15th year	2,489 13	2,544 93	5,034 06
16th year	2,601 15	2,432 91	5,034 06
17th year	2,718 20	2,315 86	5,034 06
18th year	2,840 52	2,193 54	5,034 06
19th year	2,968 34	2,065 78	5,034 06
20th year	3,101 92	1,932 04	5,034 06
21st year	3,241 50	1,792 56	5,034 06
22nd year	3,387 37	1,646 69	5,034 06
23rd year	3,539 80	1,494 26	5,034 06
24th year	3,699 09	1,334 97	5,034 06
25th year	3,865 55	1,168 51	5,034 06
26th year	4,039 50	994 56	5,034 06
27th year	4,221 28	812 78	5,034 06
28th year	4,411 24	622 82	5,034 06
29th year	4,609 74	424 32	5,034 06
30th year	4,817 18	216 68	5,034 06

6. This By-Law shall go into force and take effect on the date of the final passing thereof.

7. The votes of the electors of the said municipality qualified to vote on the present By-law shall be taken on Saturday, the 21st day of May, 1910, commencing at nine o'clock in the forenoon and continuing until five in the afternoon at the following places within the municipality:—

At or near the Town Hall, Hall Street, P. J. O'Dea, Deputy Returning Officer; at or near the Council Chamber, J. K. Rochester, Deputy Returning Officer; at or near No. 3 Hose Reel House, Brudge Street, C. K. Grigg, Deputy Returning Officer.

8. On Friday, the 20th day of May, 1910, at the hour of ten o'clock in the forenoon, at the office of the Clerk of the said Town of Renfrew on Raglan Street, the Mayor shall appoint in writing two persons to attend the final summing up of the votes by the Clerk and one person to attend the Poll at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law and one person on behalf of the persons interested in and desirous of opposing the passing of this By-law.

9. The Clerk of the Municipal Council of the said Town shall attend at his office, on Raglan Street, in the said Town, at 12 o'clock noon, on Monday, the 23rd day of May, 1910, to sum up the number of votes given for and against this By-law.

(Signed) ARTHUR GRAVELLE,	{	L S.
Mayor		
(Signed) J. K. ROCHESTER,		
Clerk		Municipality
		of Renfrew

Read a first time April 26th, 1910.

Read a second time April 26th, 1910.

Read a third time and passed, May 30th, 1910.

CHAPTER 107.

An Act to incorporate the Village of Shallow Lake.

Assented to 24th March, 1911.

WHEREAS the trustees of the police village of Shallow Preamble
Lake and other certain ratepayers within the police
village of Shallow Lake, in the County of Grey, have, by
petition, set forth that the police village of Shallow Lake was
set apart as a police village by By-law No. 570 in the year
1899 and By-law No. 583 in the year 1900 of the County
Council of the County of Grey, with the following boundaries,
that is to say:—The south halves of lots nineteen, twenty,
twenty-one and twenty-two in the 2nd concession south of the
centre diagonal in the Township of Keppel, lots seven and
eight in the 8th concession of the said township, together with
the limits more particularly described as follows, that is to
say:—Commencing at the north-west angle of lot seven in the
7th concession of the Township of Keppel; thence southerly
along the western boundary of said lot, and along the line of
said boundary produced through the waters of Shallow Lake
to a point where said line intersects the northern limits of
the concession line between concessions five and six of said
township; thence easterly along said northern boundary of
said concession line to the south-east angle of lot ten in the
said 8th concession; thence northerly along the eastern bound-
aries of lots ten in the 6th concession and ten in the 7th con-
cession respectively to the north-east angle of said last-men-
tioned lot; thence north-westerly and westerly along the
northern boundaries of lots ten, nine, eight and seven in the
said 7th concession to the place of beginning, said last-men-
tioned limits comprising lots seven, eight, nine and ten in the
7th concession, and lots seven, eight, nine and ten in the 6th
concession of said township, together with those portions of
said lake and of the lands along the margin thereof which lie
between or are enclosed by the aforesaid lots; that the por-
tion of the said village proposed to be incorporated now con-
tains five hundred and six souls, according to the special
census made at the instance of the police trustees; that the
petitioners are desirous that the inhabitants of the said village
be incorporated under the name of the Corporation of the
Village of Shallow Lake, with the powers vested in villages
incorporated

incorporated under the provisions of *The Consolidated Municipal Act, 1903*, and amendments thereto; that it is necessary and in the interest of the inhabitants of the said village that works and improvements should be constructed therein, which exceed the powers of police trustees; that owing to the situation of the said village, the police village system is not adapted to the requirements of the community and that it would greatly conduce to the benefit of the said village to be incorporated, and have prayed that an Act may be passed to incorporate the said village; and whereas it appears that the petitioners include almost the whole number of rate-payers in the said village; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of Village of Shallow Lake.

1. On and after the passing of this Act the inhabitants of the said Village of Shallow Lake, comprised within the boundaries in the second section of this Act mentioned, shall be and they are hereby constituted a corporation or body politic, separate and apart from the Township of Keppel, in which the said village is now situated, under the name of the Corporation of the Village of Shallow Lake, and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

Boundaries of Village.

2. The said Village of Shallow Lake shall comprise and consist of the following lands and premises, that is to say:—The south halves of lots twenty, twenty-one and twenty-two in the 2nd concession south of the centre diagonal in the Township of Keppel, lot eight in the 8th concession of the Township of Keppel, together with the lands and premises more particularly described as follows, that is to say:—Commencing at the north-west angle of lot eight in the 7th concession of the Township of Keppel; thence southerly along the westerly boundary of said lot eight to the northerly boundary of the waters known as Shallow Lake; thence westerly along the northern boundary of the waters known as Shallow Lake to the line dividing lots six and seven in the 7th concession of the Township of Keppel; thence southerly along the said line dividing lots six and seven in the 7th concession of the Township of Keppel, to the line dividing concession 7 and concession 6 of the Township of Keppel produced through the waters known as Shallow Lake; thence easterly along the line dividing concession 7 and concession 6 of the Township of Keppel, through the waters known as Shallow Lake to the south-east angle of lot ten in the 7th concession of the Township of Keppel; thence northerly along the eastern boundary of lot ten in the 7th concession

concession to the north-east angle of said last-mentioned lot; thence north-westerly and westerly along the northern boundary of lots ten, nine and eight in the said 7th concession of the Township of Keppel to the place of beginning, inclusive of all allowances for roads within and between the said lands.

3. The south half of lot nineteen in the 2nd concession south of the central diagonal in the Township of Keppel, and lot seven in the 8th concession of said township, and all that portion of lot seven in the 7th concession of the said Township of Keppel north of the waters known as Shallow Lake, and lots seven, eight, nine and ten in the 6th concession of the said Township of Keppel, which said lands were heretofore in the Police Village of Shallow Lake, are not included in the incorporated Village of Shallow Lake, and are hereafter to revert to the Township of Keppel and be part of the Township of Keppel. Part of land included in police village to revert to township of Keppel.

4. On the third day of April, 1911, it shall be lawful for John Ewings, of the Village of Shallow Lake, in the County of Grey, Esquire, who is hereby appointed returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place in the said village at the hour of noon, and he shall preside at said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate and who shall have all the powers of a returning officer and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week in the next week following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages. First election.

5. At the said election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections the qualification of electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages. Qualification of candidates and electors.

6. The township clerk of the Township of Keppel shall furnish to the returning officer upon demand made by him for the same, a certified copy of so much of the last revised assessment roll of the said township as may be required to ascertain the persons entitled to vote at such first election, or the collector's roll or any other document, writing or statement that may be required for that purpose. Copy of assessment roll to be furnished by Township Clerk.

First
meeting
of Council.

7. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said village at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Application
of *s* Edw.
VII., c. 19.

8. Save as otherwise provided by this Act the provisions of *The Consolidated Municipal Act, 1903*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages shall apply to the Village of Shallow Lake in the same manner as they would have been applicable had the said Village of Shallow Lake been incorporated under the provisions of the said Acts.

Village de-
tached from
township.

9. From and after the passing of this Act the said incorporated Village shall cease to form part of the said Township of Keppel and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Expenses
of Act.

10. The expenses of obtaining this Act, and of furnishing any documents and copies of papers, writings, deeds, or any matter whatsoever required by the Clerk of the said Village, or other officers of the said Village, or otherwise, shall be borne by the said Village and be paid by it to any party that may be entitled thereto.

Village to
form part
north rid-
ing of
Grey.

11. The said village shall form part of the electoral district of the north riding of the County of Grey.

CHAPTER 108.

An Act respecting the Municipality of Shuniah.

Assented to 24th March, 1911.

WHEREAS, the Corporation of the Municipality of ^{Preamble.} Shuniah has by its petition shown that a limitation of twenty dollars per acre is placed on the assessable value of lands within its limits, and has prayed that such limitation may be repealed, and whereas the said Municipality has prayed that an Act may be passed authorizing it to assess all lands according to the provisions of *The Assessment Act*, and whereas it is expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in the several Acts ^{Assessment of land in Shuniah.} of the Legislature of the Province of Ontario relating to the Municipality of Shuniah, all lands within the said Municipality shall, after the 31st day of December, 1912, be ^{4 Edw. VII, c. 23.} assessed in the manner provided by and in accordance with the provisions of *The Assessment Act*, and all Acts or parts of Acts inconsistent herewith are hereby repealed.

CHAPTER 109.

An Act respecting the Town of Smith's Falls.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Municipal Corporation of the Town of Smith's Falls has by petition represented that the Council of the said Corporation duly passed By-laws Numbers 877, 878, 879 and 880 authorizing the construction of certain sewers and waterworks in said Town as local improvements and the issuing of debentures to pay for the same and thereafter passed By-law Number 907 increasing the rate of interest on the debentures authorized by By-laws No. 879 and No. 880, also By-law No. 916 consolidating the same, which said sewers and waterworks are extensions of the system of sewers and waterworks constructed under By-law No. 485 confirmed by "*The Smith's Falls Act, 1900*"; and whereas the said Corporation has charged the lands fronting or abutting upon the street upon which such extensions are constructed a fixed uniform rate pursuant to Section 5 of said Act and has charged the balance of the total cost of such extensions, including the cost of water pipes laid in the same trench, to the Municipality; and whereas doubts have arisen as to the power of the said Municipality under Section 5 of the said Act to extend the said system of waterworks as a local improvement and include the cost of extending the same along with the cost of extending the said system of sewers in the manner provided by said Act; and whereas the said Municipality, in addition to the extensions of the sewers and waterworks referred to in said By-laws has also constructed other extensions of the said system of sewers and said system of waterworks as local improvements and desire to charge the lands fronting or abutting upon the streets upon which such extensions are constructed, a fixed uniform frontage rate and to charge the balance of the total cost therefor to the Municipality as provided in the said Act; and whereas the said Municipality has duly passed By-laws No. 881 and No. 882 and By-law No. 903 amending said By-law No. 881 and By-law No. 905 consolidating said By-laws No. 881 as amended and No. 882 to authorize the issue of debentures

tures

tures for the purpose of meeting the cost of the construction of certain granolithic sidewalks in said Town as local improvements, including therein the cost of branch sewers from existing sewers and branch water pipes to the line of street to connect with properties fronting upon such sidewalk; and whereas the said Municipality has assessed and levied the cost of such branch sewers and branch water pipes upon the property or properties benefited thereby so that the cost of such branch sewers and water pipes are wholly borne by the property so benefited; and whereas doubts have arisen respecting the validity of all the said By-laws; and whereas the said Municipality has constructed extensions of the said system of sewers and to the same extent has extended the said system of waterworks and has constructed granolithic sidewalks as local improvements upon other streets than those mentioned in said By-laws intending to include with all the said works in the cost thereof the cost of branch sewers and branch water pipes to the line of street and charge the cost thereof against the properties benefited thereby, in the same manner as provided by said By-law, but no By-laws have yet been passed providing for borrowing the moneys by the issue of debentures to pay for the same; and whereas it is deemed advisable by the said Municipality that the powers conferred upon them by Section 5 of said Act relating to the extension of said system of sewers as a local improvement, should be extended to include the power to extend the system of waterworks as a local improvement and that the said systems may be so extended jointly as one work or that either of the said systems may be extended separately; and whereas owing to the existence of large quantities of rock in the streets of said Town it is practically impossible to construct branch sewers or branch water pipes to the line of street without thereby destroying any granolithic sidewalk which had been constructed thereon prior to the construction of such branch sewers or water pipes; and whereas the said Corporation has prayed that the said By-laws may be validated and confirmed and that the said Municipality may be granted power to extend the said system of sewers and the said system of waterworks in the manner aforesaid and to construct branch water pipes when constructing sidewalks as local improvements, and power to pass valid by-laws and issue debentures thereunder to borrow money to pay for the said local improvements in respect of which no by-law has yet been passed; and whereas no opposition has been offered by or on behalf of any ratepayer or otherwise to the granting of the prayer of the said petition; and whereas it is expedient to grant the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Bylaws
specified
in schedule
"A" con-
firmed.

1. By-laws 877, 878, 879, 880, 881, 882, 903, 905, 907 and 916 of the Municipal Corporation of the Town of Smith's Falls, specified in Schedule "A" hereto, and all rates thereby imposed and all assessments made or to be made for the payment of the loans thereby authorized to be made are hereby confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said Municipality to pass the said by-laws or any of them and notwithstanding any defect in substance or in form in said by-laws or any of them or in the manner of passing the same, and all debentures issued or to be issued under the said by-laws or any of them are hereby declared to be valid and binding upon the said Corporation.

63 Vic.
c. 96, s. 4,
amended.

2. Section 4 of "*The Smith's Falls Act, 1900*" (63 Vic., Chap. 96) is amended by adding thereto the following subsection:

Extension
of Water
Works
system.

- (2) It shall also be lawful for the said Corporation from time to time to pass by-laws for the extension or improvement of the said system of waterworks, including in the said extensions branches therefrom to the line of the street (independently of the said system of sewers) whenever the Council thereof by a two-thirds vote of the members of the said Council present at any regular meeting thereof, deem such extensions desirable and necessary in the public interest and to issue debentures on the credit of the Municipality for any loan of money to pay for the cost of any work of extension or improvement so undertaken for such term of years not exceeding forty, as the said Council may think fit, and it shall not be necessary to obtain the assent of the electors or ratepayers of the said Town to any by-law passed under this section or to observe any of the formalities relating thereto prescribed by the Municipal Act.

63 Vic.
c. 96, s. 5,
amended.

3. Section 5 of the said "*The Smith's Falls Act, 1900*," is hereby repealed and the following section substituted therefor:

Extensions
of sewers
and water-
works
systems.

- (5) It shall be lawful for the said Corporation from time to time to extend the said system of sewers and the said system of waterworks or either of the said systems in the manner provided by Section 4 of this Act as local improvements and may include in such extensions or any of them branches therefrom to the line of the street for connecting

connecting the same with the properties or any of them fronting upon or benefited by such extensions and assess the cost of such branches upon the properties for the benefit of which the same are made and may include such cost in any loan made to pay for such extensions of the said systems or either of them. It shall be lawful for the said Corporation, whatever the cost of constructing the said extensions of the said system of sewers and the said system of waterworks or either of the said systems may be to charge and assess the lands fronting or abutting upon any street or part of a street upon which such extensions are constructed, a fixed uniform frontage rate according to the frontage thereof not more than sufficient to pay the cost of such extensions and not exceeding the frontage rate chargeable as rent for the sewers built under said By-law No. 485 and to assume and pay the balance of the cost of constructing such extensions out of the general funds of the Corporation or to raise the same by way of loan upon the credit of the Corporation and may issue debentures of the Corporation therefor or may include such cost in any loan made to pay the ratepayers' share of the cost of such extensions and to issue one set of debentures on the credit of the said Corporation for any loan of money for the cost of any such work of extension or improvement so undertaken for such term of years not exceeding forty as the Council shall think fit.

4. The provisions of Section 3 of this Act shall apply to the construction of all extensions of the said system of sewers and the said system of waterworks or either of them, which have heretofore been undertaken by the said Corporation as local improvements but in respect of which no By-law has been passed authorizing the borrowing of money by the issue of debentures to pay therefor. All such works may be completed, if not already completed, and By-laws may be passed pursuant to the said provisions of this Act authorizing the borrowing of money upon the credit of the Corporation to pay for the construction thereof, and the issuing of debentures therefor, and such By-laws shall be valid and binding upon the said Corporation notwithstanding any want of authority, jurisdiction or power to undertake the construction of such works or the neglect or failure of the Corporation to comply with the requirements of any statute granting such power, jurisdiction or authority, or the neglect or failure to exercise the same and notwithstanding any omission or irregularity in substance or in form in any of the proceedings relating

Section 3
to apply
to extension
of
sewers, etc.

lating to the said works or in the passing of such By-law or By-laws. All debentures to be issued under such By-laws or any of them shall be valid and binding upon the Corporation, and it shall not be necessary for the purchaser of any of such debentures to inquire into any of the matters aforesaid.

Power to
make
private
drain
connec-
tion when
construct-
ing side-
walks.

5.—(1) When the Corporation undertakes the construction of a sidewalk as a local improvement, the Corporation may make all necessary private drain connections from an existing sewer to the street line, and may also lay all necessary water service pipes to the line of the street on the side of the street on which such sidewalk is located, but the cost of such private drain connections and water service pipes shall be specially assessed only upon the particular lot or part of a lot for or in connection with which the same was constructed.

(2) Where the Corporation has heretofore constructed or undertaken the construction of any pavement as a local improvement, whether the corporation has or has not made private drain connections from any existing sewers to the line of the street on either side, or where the Corporation has heretofore undertaken the construction of any sidewalk as a local improvement, whether the Corporation has or has not put in water service pipes to the line of the street or made private drain connections from any sewer existing or to be constructed to the line of the street on the side of the street on which such sidewalk is located, and the Corporation has not passed any By-law authorizing the borrowing of money by the issue of debentures to pay for such pavement or such sidewalk, all such works, including such private drain connections and water service pipes, if any, may be completed, if not already completed, and the cost of such private drain connections and water service pipes, if any, shall be assessed only upon the particular lot or part of a lot for or in connection with which the same was constructed, and By-laws may be passed authorizing the borrowing of money upon the credit of the Corporation to pay for the construction thereof, and the issuing of debentures therefor, and such by-laws shall be valid and binding upon the said Corporation notwithstanding any want of authority, jurisdiction or power to undertake the construction of such works or the neglect or failure of the Corporation to comply with the requirements of any Statute granting such power, jurisdiction or authority or the neglect or failure to exercise the same, and notwithstanding any omission or irregularity in substance or in form in any of the proceedings relating to the said works or in the passing of such by-law or by-laws. All debentures to be issued under such by-laws or any of them shall be valid and binding upon the Corporation,

Corporation, and it shall not be necessary for the purchaser of any of such debentures to inquire into any of the matters aforesaid.

6. Upon the said Corporation undertaking to construct any pavement or any sidewalk and to levy rates on the rateable property of the Municipality to pay for the same, the Corporation may in connection therewith and as part of the work, construct private drain connections from any existing sewer to the line of the street on either or both sides of the street, and may lay down water service pipes to the line of the street, and include the cost thereof as part of the cost of such pavement or sidewalk in any loan made upon debentures of the Corporation to pay for the same, or the Council may by an affirmative vote of three-fourths of all the members of the Council present at any regular meeting thereof undertake the construction of such private drain connections and put in such service pipes or either of them as a local improvement and assess the cost thereof upon the particular lot or lots for or in connection with which such work or works are constructed, and in such case a separate local improvement By-law shall be passed to borrow the money by the issue of debentures to pay for the same.

Cost of private drain connections to be part of cost of sidewalk or pavement.

7. Subject to the provisions of this Act relating to the construction of works as local improvements, the provisions of *The Consolidated Municipal Act, 1903*, relating to local improvements and all amendments made or to be made thereto, and the provisions of any Act relating to local improvements which may be passed in substitution therefor, shall apply to all works undertaken or constructed as local improvements pursuant to the provisions of this Act.

Application of 3 Edw. VII. c. 19, and amending Acts.

SCHEDULE "A."

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total cost of Work.	Amt. to be borne by Town.	Amt. to be borne by ratepayers.	Period of Payment.	Rate of Interest.
882	Local Improvement Debentures to defray the Town's share of the cost of the granolithic walks and house service sewers referred to in By-law No. 881.	4th July, 1910.	\$14,626.41	\$6,918.20		20 Years.	5%
903	Amending By-law No. 881 by inserting in the Schedule attached thereto showing the annual rates per foot frontage imposed on the properties benefited by the works therein mentioned.	6th Dec., 1910.					
905	Consolidating into an issue of \$14,626.41 the broken amounts of the Debentures authorized to be issued under By-laws Nos. 881 and 882 above referred to.	8th Dec., 1910.	14,626.41	6,918.20	\$7,708.21	20 Years.	5%
907	Amending said By-laws No. 879 and 880 by increasing the rate of interest on the debentures authorized by the said By-laws from 4% to 5%.	Dec. 19th, 1910.			By-law No. 907 was approved by the Ontario Railway and Municipal Board on the 23rd day of December, 1910.		
916	Consolidating into an issue of \$9,905.53 the broken amounts of the debentures authorized to be issued under By-laws Nos. 877, 878, 879, 880 and 907 above referred to.	Jan. 9th, 1911.	9,905.53	4,882.74	5,022.79	20 Years.	5%
877	Local Improvement Debentures to defray the ratepayers' share of the cost of certain house service sewers and water pipes constructed in the said Town.	4th July, 1910.	2,495.24		1,981.29	20 Years.	5%
878	Local Improvement Debentures to defray the Town's share of the cost of the house service sewers and water pipes referred to in By-law No. 877.	4th July, 1910.	2,495.24	513.95		20 Years.	5%

SCHEDULE "A"—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total cost of Work.	Amt. to be borne by Town.	Amt. to be borne by ratepayers.	Period of Payment.	Rate of Inter- est.
879	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers and water pipes constructed in the said Town.	4th July, 1910.	7,410.29		3,041.50	20 Years.	4%
880	Local Improvement Debentures to defray the Town's share of the cost of the sewers and water pipes referred to in By-law No. 879.	4th July, 1910.	7,410.29	4,368.79		20 Years.	4%
881	Local Improvement Debentures to defray the ratepayers' share of the cost of certain granolithic walks and house service sewers constructed in the said Town.	4th July, 1910.	14,626.41		7,708.21	20 Years.	5%

CHAPTER 110.

An Act respecting the City of St. Catharines.

Assented to 24th March, 1911.

Preamble

WHEREAS the Corporation of the City of St. Catharines and the Waterworks Commission of the said City have by their petition represented that the reservoirs, filtering basins, spillways and the main pipe from said reservoirs, in the Township of Thorold, in the County of Welland, to the said City and the other permanent works of the Waterworks System of the said City were constructed about thirty-two years ago, and that by reason of the increase in population of the said City and the necessary extension of main pipes and the laying of mains and pipes on new and additional streets in the said City, and the greatly increased use of the water by the citizens and by manufacturing companies, the water pressure in the said mains and pipes has become so lessened that it is no longer sufficient for the needs and requirements of the citizens, and that by reason of such reduced pressure the said Waterworks System no longer affords safe and efficient protection from fire, and that for the purpose of affording a sufficient supply of water for the citizens and safe and efficient protection against the danger of fire in the said City, and having regard to the future growth of the City, it is necessary and expedient and in the best interests of the citizens that an additional or duplicate main should be laid down and constructed from the reservoirs of the said Commission, in the Township of Thorold, in the County of Welland, to the said City; and whereas the Council of the said City Corporation, on the request of the said Waterworks Commission, duly caused to be submitted for the votes of the qualified ratepayers at the annual municipal elections for the year 1911, a by-law authorizing the said City Corporation to raise by way of loan upon the debentures of the Corporation the sum of \$180,000.00 for the purposes aforesaid, and the said by-law was duly carried by a large majority of the votes of the qualified ratepayers, and was finally passed by the Council of the said City Corporation on the 9th day of January, 1911, said by-law being numbered 2246, and being Schedule "A" appended to this Act; and

whereas

whereas the said City Corporation and Waterworks Commission have further represented that by reason of the limit of the borrowing power of the said City Corporation as fixed by section 16 of *The City of St. Catharines Debt Consolidation Act, 1893*, the said City Corporation is not permitted to borrow the said sum of \$180,000.00; and whereas the said City Corporation and the Waterworks Commission have further represented that the said Waterworks System is a revenue-producing asset of the said City, and that the increased revenue which will be derived from the Waterworks System after the construction of the said duplicate or additional main will be sufficient to pay the annual interest and provide the sinking fund required for the payment of the debt created by said by-law in addition to the amounts which the said Waterworks Commission are required by Statutes in that behalf to raise annually from the water rates or rents charged or imposed by the Commission over and above the expenses of maintaining and managing the said Waterworks, and the said Waterworks Commission has so agreed with the said City Corporation, the said Agreement being Schedule "B" appended to this Act; and whereas the said City Corporation and the said Waterworks Commission have prayed that the said by-law and the said agreement may be validated and confirmed, and that it may be declared that the amount of the indebtedness authorized by the said by-law shall not be reckoned as part of the indebtedness of the said City Corporation for the purpose of ascertaining if the limit of its borrowing power as fixed by section 16 of *The City of St. Catharines Debt Consolidation Act, 1893*, has been reached; and whereas it is expedient to grant the prayer of the said petition;

56 V., c. 79.

56 V., c. 79.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That by-law number 2246, of the Corporation of the City of St. Catharines, intituled, "A By-law to raise by the issue of debentures of this Corporation the sum of \$180,000.00 for the purposes of extending and improving the Waterworks of the City of St. Catharines," set out as Schedule "A" hereto, is confirmed, and declared to be legal, valid and binding upon the said Corporation of the City of St. Catharines and upon the ratepayers thereof.

Bylaw No. 2246 of City of St. Catharines, confirmed.

2. No irregularity in the form of the debentures issued or to be issued under the authority of the said by-law shall render the said debentures invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of said debentures or the interest thereon.

Irregularity in form not to invalidate

Proceeds of debentures to be paid over to Waterworks Commission.

3. The said debentures, or the proceeds thereof, shall be handed over by the Mayor of the said City Corporation to the Waterworks Commission of the said City to be by the said Commission expended for the purposes mentioned in the said by-law.

Sinking fund to be paid over to Treasurer of Ontario.

4. The annual amount required to be levied on account of Sinking Fund for the debentures authorized by the said By-law and by this Act and all other amounts required to be hereafter levied on account of the Sinking Fund in respect of that portion of the said Corporation's debenture debt heretofore incurred for Waterworks purposes, being the sum of \$345,000.00, shall be paid by the Treasurer of the said Corporation to the Treasurer of the Province of Ontario and from and after the 31st day of December, 1915, the annual amounts required to be levied on account of the Sinking Fund for the whole debenture debt of the said Corporation shall be paid by the Treasurer of the said Corporation to the Treasurer of the Province of Ontario, and the provisions of *The Ontario Municipal Securities Act, 1908*, shall apply for the purposes of this section.

Debentures to form a special charge on Waterworks System.

5. All and every the holders of the debentures to be issued under the authority conferred by the said by-law and by this Act shall, subject to the charge (if any) thereon in favour of such of the debentures of the said City Corporation as have been heretofore issued for or in respect of the said Waterworks System, have a preferential pledge or charge on the said Waterworks and the lands and property appertaining thereto for securing the payment of the said debentures and the interest thereon; and the said Waterworks and the lands connected therewith shall be and are hereby specially pledged and charged (subject as aforesaid) for the payment of the said debentures and interest thereon.

Limit of borrowing powers—how affected.

6. In calculating the amount of the indebtedness of the said City Corporation for the purpose of ascertaining if the limit of its borrowing power, as fixed by Section 16 of *The City of St. Catharines Debt Consolidation Act, 1893*, has been reached, the amount of the debt created under the authority of the said by-law and this Act shall not be reckoned as part of such indebtedness, but shall be excluded in computing the same.

Water rates to be levied to meet debentures.

7. In addition to the amounts which the Waterworks Commission of the City of St. Catharines are required by Section 26 of Chapter 92 of the Acts passed in the 63rd year of the Reign of Her late Majesty Queen Victoria and by section 7 of chapter 78 of the Acts passed in the 3rd year of the Reign of His late Majesty to raise annually from the

water

water rates or rents charged or imposed by the said Commission over and above the expenses of maintaining and managing the said Waterworks, the said Waterworks Commission shall also raise annually from the said water rates or rents a sum not less than sufficient to pay the interest and create a sinking fund for the payment of the principal of the debentures of the Corporation of the City of St. Catharines to be issued under the authority of the said by-law and this Act.

8. The agreement by and between the Waterworks Commission, of the City of St. Catharines, and the Corporation of the City of St. Catharines, bearing date the 10th day of January, 1911, set out as Schedule "B" hereto, is confirmed and declared to be legal, valid and binding upon the said Corporation and the said Commission.

Agreement
between City
and Water-
works Com-
mission con-
firmed.

SCHEDULE "A."

BY-LAW NUMBER 2246.

A By-law to raise by the issue of debentures of this Corporation the sum of \$180,000.00 for the purposes of extending and improving the Waterworks of the City of St. Catharines.

Whereas by subsection 5 of section 569 of the Consolidated Municipal Act, 1903, as re-enacted by section 21 of the Municipal Amendment Act, 1906, it is provided that where any City has constructed water works under the authority of any special Act or Acts, and has raised the money for the construction of such works by a general rate on the whole of the assessable property of the said Corporation under a by-law or by-laws lawfully passed, it shall be lawful for the Council of the City, from time to time, to pass by-laws, after the assent of the electors entitled to vote thereon has been obtained, and without the publication of any estimates, to raise on the credit of the said Corporation such further sums as may be necessary to extend or improve the said works, and for levying on the whole rateable property of the said City Corporation an annual special rate sufficient to defray the yearly interest upon the sums so expended, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years nor less than five years, or sufficient to pay any debt so incurred within such period in equal annual instalments, including principal and interest.

And whereas the Waterworks Commission of the City of St. Catharines has constructed waterworks for the City of St. Catharines under the authority of certain special Acts in that behalf, to-wit, chap. 91 of the Statutes of the late Province of Canada, passed in the 20th year of Her late Majesty's Reign, and chap. 47 of the Statutes of the Province of Ontario, passed in the 39th year of Her late Majesty's Reign, and this Corporation duly raised the money for the construction of the said waterworks by a general rate on the whole of the assessable property of the said Corporation under by-laws of this Corporation lawfully passed under the authority of the said recited Acts and of chap. 39 of 41 Victoria and chap. 70 of 52 Victoria and chap. 78 of 3 Edward the Seventh, Statutes of Ontario.

And whereas by reason of the increase in population of the City and the necessary extension of main pipes and the laying of mains

and

and pipes on new and additional streets in the said City, and the greatly increased use of the said water generally by the citizens, the water pressure in the said mains and pipes has become so lessened that it is no longer sufficient for the needs and requirements of the citizens and by reason of the reduced pressure the said Waterworks System no longer affords safe and efficient protection from fire.

And whereas the Waterworks Commission of the City of St. Catharines has represented to this Council that for the purpose of affording a sufficient supply of water for the citizens and safe and efficient protection against the danger of fire in this City, and having regard to the future growth of the City, it is necessary and expedient and in the best interests of the citizens that an additional or duplicate main should be laid down and constructed from the Reservoir of the said Waterworks Commission, in the Township of Thorold, in the County of Welland, to this City, the said main to be of the varying widths of thirty-six inches, thirty inches and twenty-four inches, and the said Waterworks Commission has delivered to this Council an estimate of the cost of the said proposed additional or duplicate main and the necessary work in connection therewith and the cost thereof has been estimated at the sum of \$180,000.00.

And whereas the said Waterworks Commission has further represented to this Council that the increased revenue which will be derived from the Waterworks System of this City, after the construction of the said additional or duplicate main will be sufficient to pay the annual interest and provide the sinking fund required for the payment of the debt created by this by-law in addition to the amounts which the said Waterworks Commission are required by sec. 26 of chap. 92 of 63 Victoria and sec. 7 of chap 78 of 3 Edward the Seventh, Statutes of Ontario, to raise annually from the water rates or rents charged or imposed by the Commission over and above the expenses of maintaining and managing the said water works.

And whereas the said Waterworks Commission has agreed to enter into an agreement with this Corporation to raise annually from the water rates and rents imposed by the said Commission, without increasing the rates or rents now being charged by the said Commission, a sufficient amount over and above the expenses of maintaining and managing the said waterworks to pay the annual interest and provide the sinking fund required for the payment of the debt created by this by-law in addition to the amounts which the said Waterworks Commission are required by the said recited Acts to raise annually from the water rates or rents charged or imposed by the said Commission.

And whereas this Council deems it necessary and expedient, for the purposes aforesaid, to authorize the issue of debentures of this Corporation for the sum of \$180,000.00, which is the amount of the debt intended to be created by this by-law, payable as hereinafter mentioned, and to provide for the ultimate payment of the same and the interest thereon respectively.

And whereas it will require the sum of \$11,883.43 to be raised annually by a special rate on the whole rateable property of the City of St. Catharines for the payment of the said sum of \$180,000.00 and interest on the debentures to be issued therefor, of which the sum of \$8,100.00 will be for such interest, and the sum of \$3,783.43 for a sinking fund from which to pay the said debentures at maturity.

And whereas the amount of the whole rateable property of the City of St. Catharines according to the last Revised Assessment Roll is \$6,861,741.00.

And whereas the amount of the existing debenture debt of the said Corporation of the City of St. Catharines is \$787,729 53-100 exclusive of any liability in respect of local improvement debentures

tures issued by the said Corporation, and also exclusive of the sum of \$304,946.56 which by virtue of sec. 17 of "The City of St. Catharines Debt Consolidation Act, 1893," being the amount of the said Corporation's indebtedness for waterworks purposes at the passing of the said Act, is not to be reckoned in calculating the amount of the indebtedness of the said Corporation for the purpose of ascertaining if the limit of its borrowing power as fixed by section 16 of the said Act has been reached; and also exclusive of the sum of \$40,000.00, being an indebtedness of the said Corporation for waterworks purposes created under the authority of section 6 of chap. 78 of 3 Edward the Seventh, Statutes of Ontario, which by virtue of the said last recited Act is not to be reckoned as part of the indebtedness of said Corporation for the purpose of ascertaining if the limit of its borrowing power as fixed by section 16 of the said "The City of St. Catharines Debt Consolidation Act, 1893," has been reached; and there is no part of the principal or interest thereof in arrear.

Therefore the Council of the Corporation of the City of St. Catharines enacts as follows:—

1. That it shall be lawful for the Council of this Corporation to borrow upon the debentures of the Corporation the sum of \$180,000.00 for the purposes aforesaid, that is to say, for the purposes of the Waterworks Commission of the City of St. Catharines for the laying down and construction of an additional or duplicate main pipe from the Reservoir of the said Waterworks Commission, in the Township of Thorold, in the County of Welland, to the City of St. Catharines and the necessary work in connection therewith, and that for the said purposes it shall be lawful for the Mayor of this Corporation and he is hereby authorized to cause debentures of this Corporation to be made, executed and issued to the amount of \$180,000.00 in sums of not less than \$100.00 each, which said debentures shall be signed by the Mayor of the Corporation and countersigned by the Treasurer thereof and sealed with the Corporate seal.

2. That the said debentures shall bear date on the day on which the assent of the Lieutenant-Governor of the Province of Ontario is given to an Act of the Legislative Assembly of the Province of Ontario confirming and validating this by-law and the agreement between the said Waterworks Commission and this Corporation hereinbefore referred to, and shall be made payable in thirty years from the said date at the Imperial Bank of Canada at the City of Toronto, in the Province of Ontario.

3. That the said debentures shall bear interest at the rate of four and one-half per cent. per annum, and such interest shall be made payable half-yearly in each year during the currency of the said debentures at the Imperial Bank of Canada in the City of Toronto aforesaid, and shall have attached thereto coupons for such half-yearly interest.

4. That for the purpose of paying the debt hereby created and the interest on the debentures to be issued therefor there shall be raised, levied and collected in each year during the continuance of such debentures by special rate on all the rateable property in the said City of St. Catharines the said sum of \$8,100.00 for payment of interest upon the said debentures and the said sum of \$3,783.43 for the purpose of creating a sinking fund for payment of the debt hereby secured, making in all the sum of \$11,883.43 to be raised annually by special rate as aforesaid during each of the said thirty years.

5. This by-law shall not come into force and effect until an Act shall be passed by the Legislative Assembly of the Province of Ontario confirming and validating this by-law and also the agreement hereinbefore referred to between the said Waterworks Commission and this Corporation.

6. That the votes of such of the electors of the said City of St. Catharines as are by law entitled to vote on this by-law shall be taken on the same day as the annual election for the Municipal Council of the City of St. Catharines for the year 1911 is being held and the polls for the taking of the said votes will be held at the same hour, on the same day, at the same place or places, and by the same Deputy Returning Officers and Poll Clerks as for the said next ensuing annual municipal election.

7. Friday, the 30th day of December, A.D., 1910, at 10 o'clock in the forenoon, in the Council chamber in the City buildings in the City of St. Catharines, is appointed as the time and place for the appointment in writing by the Mayor of the City of St. Catharines of such persons as shall attend at the several polling places and at the final summing up by the Clerk of this Municipality on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law respectively.

8. Wednesday, the 4th day of January, A.D. 1911, at 10 o'clock in the forenoon in the City Clerk's office in the City buildings in the City of St. Catharines is hereby appointed as the time and place for the summing up by the said Clerk of the number of votes given for and against this by-law.

Passed this ninth day of January, 1911.

(Sgd.) JAMES McBRIDE, *Mayor*

(Sgd.) J. ALBERT PAY, *City Clerk*.

SCHEDULE "B."

This Agreement made in duplicate this tenth day of January, in the year of our Lord, 1911.

BETWEEN—

The Waterworks Commission of the City of St. Catharines
(hereinafter called The Commission) of the First Part,

—and—

The Corporation of the City of St. Catharines (hereinafter
called the Corporation) of the Second Part.

Whereas the Council of the Corporation, on the application of the Commission, on the 29th day of November, 1910, introduced in the Council of the Corporation and passed to a first and second reading a certain by-law entitled, "A By-law to raise by the issue of debentures of this Corporation the sum of \$180,000.00 for the purposes of extending and improving the Waterworks of the City of St. Catharines" and caused the said by-law to be submitted for the votes of the qualified electors of the City of St. Catharines pursuant to the provisions of *The Consolidated Municipal Act, 1903*, and amending Acts, at the annual municipal election for the said City, held on the 2nd day of January, 1911.

And whereas the said by-law received a large majority of the votes of the qualified electors at the voting thereon and, at a meeting of the Council of the Corporation held on the 9th day of January, 1911, was duly and finally passed by the said Council, which said by-law is numbered 2246.

And whereas in the said by-law it is recited that the Commission has represented to the Council of the Corporation that the increased revenue which will be derived from the Waterworks System of the said City after the construction of the additional or duplicate main mentioned in the said by-law will be sufficient to pay the annual interest and provide the sinking fund required for the payment of the debt created by the said by-law in addition to the amounts which the Commission are required by section 26 of chapter 92 of

63 Victoria and section 7 of chapter 78 of 3 Edward the Seventh, Statutes of Ontario, to raise annually from the water rates or rents charged or imposed by the Commission over and above the expenses of maintaining and managing the said Waterworks; and in the said by-law it is further recited that the Commission has agreed to enter into an agreement with the Corporation to raise annually from the water rates or rents imposed by the Commission an amount sufficient, over and above the expenses of maintaining and managing the said Waterworks, to pay the annual interest and provide the sinking fund required for the payment of the debt created by the said by-law in addition to the amounts which the Commission are required by the said recited Acts to raise annually from the water rates or rents charged or imposed by the Commission.

And whereas the Corporation has agreed with the Commission to pay to the Commission the sum of twenty dollars (\$20.00) per annum for and in respect of each fire hydrant in use in the said City so long as the obligation of the Commission under the said in part recited Acts and this agreement shall continue.

Now this Agreement (being the agreement referred to in the said by-law) witnesseth that the Commission and the Corporation hereby mutually covenant and agree as follows, that is to say:—

1. The Commission will, from and including the 1st day of January, 1911, raise annually from the water rates or rents imposed by the Commission, over and above the expenses of maintaining and managing the said Waterworks, an amount sufficient to pay the annual interest and provide the sinking fund required for the payment of the debt created by the said by-law, being by-law number 2246 of the Corporation, finally passed on the 9th day of January, 1911, entitled, "A By-law to raise by the issue of debentures of this Corporation the sum of \$180,000.00 for the purposes of extending and improving the Waterworks of the City of St. Catharines" in addition to the amounts which the Commission are required by section 26 of chapter 92 of 63 Victoria, and section 7 of chapter 78 of 3 Edward the Seventh, Statutes of Ontario, to raise annually from the water rates or rents charged or imposed by the Commission over and above the expenses of maintaining and managing the said Waterworks.

2. From and including the first day of January, 1911, the Corporation will pay to the Commission for and in respect of each public fire hydrant in use in the said City the sum of twenty dollars (\$20.00) per annum, such obligation to continue so long as the obligation of the Commission under Clause 1 of this Agreement shall exist.

3. This Agreement shall not be binding on the parties hereto unless and until validated and confirmed by Act of the Legislative Assembly of the Province of Ontario.

In witness whereof the Chairman of the Commission and the Mayor of the Corporation have hereunto affixed their respective hands and caused to be affixed the respective seals of the Commission and the Corporation.

Signed, sealed and delivered in the presence of

(Sgd.) C. H. CONNOR.

[L.S.] (Sgd.) GEO. F. PETERSON, *Chairman*.

" A. P. FRIESEMANN, *Secretary*.

" JAMES McBRIDE, *Mayor*.

" J. ALBERT PAY, *City Clerk*.

CHAPTER 111.

An Act empowering the Municipal Council of the
City of St. Catharines to finally pass certain
By-laws.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Municipal Council of the Corporation of the City of St. Catharines has, by petition, represented that deeming it greatly to the advantage of the said City so to do, it did on the 21st day of November, A.D. 1910, duly pass to the second reading thereof a certain By-law entitled "A By-law to aid, by way of bonus, Kinleith Paper Company, Limited, by partial exemption from municipal taxation for a period of ten years"; and on the 29th day of November, A.D. 1910, did duly pass to the second reading thereof a certain By-law entitled "A By-law to aid, by way of bonus, the Messrs. Warren Bros. of St. Catharines, by partial exemption from municipal taxation for a period of ten years"; and whereas the said By-laws so passed to the second reading thereof provided for a submission of the same for the votes of the qualified ratepayers thereon, such vote to be taken on the 2nd day of January, A.D. 1911, said date being also the date fixed for the taking of the votes of the electors at the annual municipal elections; and whereas at the taking of the said vote of the said qualified ratepayers on the said last-mentioned date 1,752 qualified ratepayers were entitled to vote upon the said By-laws so submitted and the assent of 1,050 of the said qualified ratepayers, being three-fifths of the said number of qualified ratepayers entitled to vote, was, under the provisions of Section 366a of *The Consolidated Municipal Act, 1903*, required to carry the said By-laws or either of them; and whereas 967 qualified ratepayers voted in favour of the said By-law respecting Kinleith Paper Company, Limited, and 927 qualified ratepayers voted in favour of the said By-law respecting the Messrs. Warren Bros., such vote so recorded being less than the number required by the said Section of the said Act to the extent of 83 in number in the case of the said By-law respecting Kinleith Paper Company, Limited, and 123 in number in the case of the said By-law respecting Messrs. Warren

Bros.;

Bros.; and whereas the total vote against the said By-laws so submitted was only 206 in the case of the first-mentioned By-law and 221 in the case of the secondly-mentioned By-law, leaving a clear majority of 761 in favour of the first-mentioned By-law and a clear majority of 706 in favour of the secondly-mentioned By-law; and whereas the said number of 1,752 qualified ratepayers included a large number of non-resident qualified ratepayers and also a large number of qualified ratepayers temporarily absent from the said City on the date of said polling, all of whom could not vote on the said By-laws, or either of them, and whose votes would, if cast, probably have been cast in favour of said By-laws; and whereas the said Municipal Council of the said City of St. Catharines deems it greatly to the advantage of the said City that the said Council be empowered by law to finally pass the said By-laws; and whereas the said Kinleith Paper Company, Limited, and the said Messrs. Warren Bros. have respectively entered into agreements with the Corporation of the said City covenanting to employ a large number of workmen and operatives and to pay large sums of money in wages in connection with the manufacturing businesses carried on by them in the said City, which Agreements are set forth in the Schedules to this Act; and whereas the said Corporation of the City of St. Catharines has petitioned that an Act may be passed empowering the Municipal Council of the said City to finally pass the said By-laws notwithstanding the provisions of said Section 366a of *The Consolidated Municipal Act, 1903*; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of Section 366a of *The Consolidated Municipal Act, 1903*, the Municipal Council of the Corporation of the City of St. Catharines is hereby authorized and empowered to finally pass a certain By-law, entitled "A By-law to aid, by way of bonus, Kinleith Paper Company, Limited, by partial exemption from municipal taxation for a period of ten years," which said By-law was duly passed to a second reading thereof by the said Council on the 21st day of November, A.D. 1910, and which said By-law together with the agreement therein referred to appear respectively as Schedules "A" and "B" to this Act; and also a certain other By-law, entitled "A By-law to aid, by way of bonus, the Messrs. Warren Bros. of St. Catharines, by partial exemption from municipal taxation for a period of ten years," which said By-law was duly passed to a second reading thereof on the 29th day of November, A.D. 1910,

and

Authority
to pass
certain
bonus
by-laws.

and which said By-law together with the agreement therein referred to appear respectively as Schedules "C" and "D" to this Act; and the said By-laws when so finally passed by the said Council and the agreements therein mentioned are hereby confirmed and declared legal, valid and binding.

SCHEDULE "A."

BY-LAW No.

A By-law to aid, by way of bonus, The Kinleith Paper Company, Limited, by partial exemption from municipal taxation for a period of ten years.

Whereas The Kinleith Paper Company, Limited, hereafter called the Company, has established and carried on in the City of St. Catharines the business of the manufacture of paper, on the lands, premises and buildings in the said city, hereinafter mentioned, and

Whereas the said Company has applied to the Corporation of the City of St. Catharines for aid, by way of bonus, to the extent and in the manner following, that is to say—The partial exemption from municipal taxation of the lands, premises and property of the Company for a period of ten years from the 20th day of August, A.D. 1910, and

Whereas the Company has agreed that they will continuously carry on, on the said lands and premises, the business of manufacturing paper for and during the period of ten years, from the 20th day of August, 1910, save and except as in the Agreement between the Company and the Corporation, hereinafter referred to, is provided; and that they will continuously employ in the said business during the said period of ten years not less than one hundred workmen, operatives, and employees in the conduct and operation of said business, exclusive of office staff, travellers and salaried officers of the Company, and will in each of the years of said period pay its said workmen, operatives and employees actually engaged in the service of the Company, in the said City of St. Catharines, not less than fifty thousand dollars; and

Whereas it is deemed expedient to grant the said aid by way of bonus, aforesaid; therefore the Council of the Corporation of the City of St. Catharines enacts as follows:—

1.—That the lands, premises and buildings, plant and machinery, known and described on the assessment roll of the said Corporation for the year 1911, as Lots 44 and 53, Section H, south side of St. Paul Street, in the said City of St. Catharines, and being the paper mill now and heretofore operated by the said Company, and the plant and premises connected therewith, and thereto appertaining, shall be partially exempt from municipal taxation, including business assessment, but save and except taxes for school purposes, local improvements, water rates, sewer rental, and street watering for a period of ten years, from the 20th day of August, 1910, to the following extent and amount, that is to say: The whole of the assessed value thereof over and above the sum of twenty-one thousand dollars.

2.—That notwithstanding the partial exemption from taxation granted by this By-law, the property of the said Company shall, during the said period of ten years, be annually assessed in the same manner as if this By-law had not been passed, and the taxes rated thereon shall be duly entered on the Collector's roll for the said City of St. Catharines, but such taxes, save and except taxes for school purposes, local improvements, water rates, sewer rental, and street watering, shall not be collected on any greater part of

such

such assessment than twenty-one thousand dollars, unless the Company shall have made default in the terms, provisos or conditions of the said agreement, in which case the whole of the taxes for the year in which default shall happen, and when and so often as such default shall happen, shall become due and be collected by the said Corporation, as if this By-law had not been passed.

3.—The partial exemption from taxation hereby granted shall be subject to the terms and conditions contained in a certain Agreement, dated 21st day of November, 1910, between the Company and the Corporation, a copy of which is hereunto annexed, and the Mayor of the Corporation is hereby authorized to execute and deliver the said Agreement on behalf of the Corporation.

4.—The votes of the qualified ratepayers shall be taken on this By-law at the next ensuing annual municipal election, and the polls for the taking of the said votes shall be held at the same hour, on the same day and at the same place or places and by the same Deputy Returning officers and Poll Clerks as for the said next ensuing annual municipal election.

5.—Friday, the thirtieth day of December, A.D. 1910, at ten o'clock in the forenoon, in the Council Chamber, in the City Buildings, in the City of St. Catharines, is appointed as the time and place for the appointment in writing by the Mayor of the City of St. Catharines of such persons as shall attend at the several polling places and at the final summing up of the votes by the Clerk of this Municipality on behalf of the persons interested in and desirous of promoting or opposing the passing of this By-law, respectively.

6.—Wednesday, the 4th day of January, A.D. 1911, at ten o'clock in the forenoon, at the City Clerk's office, in the City Buildings, in the City of St. Catharines, is hereby appointed as the time and place for the summing up by the said Clerk of the number of votes given for and against this By-law.

Passed thisday of.....A.D. 1911.

..... Mayor.

..... Clerk.

Take notice that the above is a true copy of a proposed By-law which has been taken into consideration by the Municipal Council of the Corporation of the City of St. Catharines, and which will be finally passed by the said Council (in the event of the assent of the electors being obtained thereto) after one month from the first publication thereof, and that the polls for the taking of the votes of the electors of the said City, qualified to vote thereon, will be held at the same hour, on the same day and at the same place or places, and by the same Deputy Returning Officers and Poll Clerks as for the next ensuing annual municipal election; and

Further take notice that the names of leaseholders neglecting to file in the office of the Clerk of the Municipality, the statutory declaration required by sub-section 1 of section 354 of The Consolidated Municipal Act, 1903, will not be placed on the Voters' List for the voting on said By-law.

This By-law is first published on the 1st day of December, 1910.

J. ALBERT PAY, *City Clerk.*

SCHEDULE "B."

AGREEMENT.

This Agreement made in duplicate this 21st day of November, A.D. 1910:

BETWEEN—

Kinleith Paper Company, Limited (hereinafter called the "Company", of the first part,

and

The Corporation of the City of St. Catharines (hereinafter called the "Corporation"), of the second part.

Whereas the Company is engaged in the manufacture of paper on the mill premises described on the assessment roll of the City of St. Catharines for the year 1911, as Lots 44 and 53, Section H, on the south side of St. Paul Street, of the said City, which premises are known as the paper mill premises of the Company, lying adjacent to the Old Welland Canal, and between the said Canal and St. Paul Street, with the appurtenances to the said paper mill premises belonging; and

Whereas the said Company has applied to the Council of the Corporation of the said City of St. Catharines for partial exemption from municipal taxation of the property of the Company, including business assessment, but save and except taxes for school purposes, local improvements, water rates, sewer rental and street watering, over and above the sum of twenty-one thousand dollars, and a by-law authorizing the said partial exemption from taxation has this day been passed to the second reading thereof by the said Council; and

Whereas the Company, in consideration of the granting of the said partial exemption and the final passing of the said By-law, has agreed with the Corporation that the Company will do and perform the several acts, matters and things and observe the several covenants, provisoes and stipulations hereinafter in this Agreement set out.

Now this Agreement, being the Agreement referred to in the said By-law, witnesseth that the Company and the Corporation mutually covenant and agree with each other in the manner following:

1.—That the Company will for a period of ten years, from the 20th day of August, 1910, continuously carry on its manufacturing business on its said premises, and will continuously employ not less than one hundred workmen or operatives in such manufacture, save and except for such periods of cessation or shutting down, not however to exceed one month in each calendar year, as are ordinarily incident to the nature of such business, and also save and except for such periods or shutting down as shall be caused by strikes of the said Company's workmen, said strikes not being caused by the unreasonable acts of the Company, its officers or servants, and will, in each year of the said period pay in wages to its workmen, operatives, and employees engaged in the operations of the Company in the City of St. Catharines not less than fifty thousand dollars.

2.—That the Company will, at all times during the said period of ten years insure and keep insured its said factory and buildings, its plant, machinery and fixtures to their full insurable value, and if at any time during the said period of ten years the said plant, machinery, buildings and fixtures shall be wholly or partially destroyed by fire, then, in any such event, and when and so often as such event shall occur, the Company shall at once proceed to rebuild and restore or repair said buildings, plant, machinery and fixtures so as to make the same suitable and available at the earliest reasonable time for the purpose of its said manufacturing business on said site.

3.—It is agreed that in case of a fire which shall render it impossible for the Company for the time being to continue its said manufacturing business, in any or all the departments thereof, and when and so often as the said event shall happen, then and in any such case if the Company shall forthwith proceed to re-build and restore the said buildings, plant, machinery and fixtures to their former conditions of efficiency for the purpose of resuming and carrying on its said manufacturing business at the earliest reasonable time, the Company shall be relieved *pro tanto* of the covenant as to payment of wages for the year of such period in which said fire may occur, and the amount of wages for said year shall be estimated proportionately for the portion of such year during which the Company's factory could have been operated.

4.—It is agreed that notwithstanding the partial exemption from taxation granted by the said By-law, the property of the Company shall during the said period of ten years be annually assessed in the same manner as if such By-law had not been passed, and the taxes rated thereon shall be duly entered on the Collector's roll for the said City, but such taxes, save and except taxation for school purposes, local improvements, water rates, sewer rental and street watering, shall not be collected on any greater part of the said assessment than twenty-one thousand dollars, unless the Company shall have made default in the terms, provisos and stipulations of this Agreement, in which case the whole of the taxes for the year in which such default shall happen shall become due and payable, and may be collected by the said Corporation as if the said By-law had not been passed.

5.—It is agreed that the auditors of the Corporation or any person or persons appointed by resolution of the Council for that purpose, shall at any time during the months of January and February in each year have free access to the books of accounts, statements and pay-rolls of the Company for the purpose of ascertaining the amount paid in wages during the year ending on the then preceding 31st day of December.

In witness whereof the proper officer of the Company has set his hand and affixed the corporate seal of the Company, and the Mayor of the Corporation has set his hand and caused to be affixed the seal of the Corporation.

Signed, sealed and delivered in the presence of (Sgd.) J. Albert Pay, as to signature of Mayor; (Sgd.) H. E. Kent, as to execution by Kinleith Paper Company, Limited.

(Sgd.) JAMES M. McBRIDE,
Mayor. [L.S.]

(Sgd.) KINLEITH PAPER CO., LIMITED,
W. P. GUNDRY, Vice-President and
Managing Director. [L.S.]

SCHEDULE

SCHEDULE "C."

BY-LAW No.....

A By-law to aid, by way of bonus, The Messrs. Warren Bros., of St. Catharines, by partial exemption from municipal taxation for a period of ten years.

Whereas Messrs. Warren Bros. have established and carried on in the City of St. Catharines the business of manufacturing knitted goods on the lands and premises and buildings in the said city, hereinafter mentioned.

And whereas the said Warren Bros. have applied to the Corporation of the said City of St. Catharines for aid by way of bonus to the extent and in the manner following, that is to say: A partial exemption from municipal taxation of the lands, premises, and property of the said partnership for the period of ten years from the first day of January, A.D. 1911.

And whereas the said Messrs. Warren Bros. have agreed that they will continuously carry on, on the said lands and premises, the business of manufacturing knitted goods for and during the period of ten years from the first day of January, A.D. 1911, save and except as in the agreement between the said Messrs. Warren Bros. and the said Corporation hereinafter referred to is provided, and that they will continuously employ in the said business during the said period of ten years not less than twenty-five workmen, operatives and employees in the conduct and operation of the said business, exclusive of the office staff, travellers and salaried officers of the said partnership, and will in each of the years of the said period pay its said workmen, operatives and employees actually engaged in their employ in the said City of St. Catharines, exclusive of office staff, travellers and salaried officers of the said partnership, not less than ten thousand dollars.

And whereas it is deemed expedient to grant the said aid by way of bonus aforesaid,

Therefore the Council of the Corporation of the City of St. Catharines enacts as follows:—

1.—That the lands, premises and buildings, plant and machinery known and described on the assessment roll of the said Corporation for the year 1911, as No. 68 and 69 on the north-west side of St. Paul Street, and known as 215 and 217 St. Paul Street, in the City of St. Catharines, and being the land and premises now and heretofore owned and occupied by the said Messrs. Warren Bros. in the business of manufacturing knitted goods, and the plant and premises connected therewith and thereto appertaining, shall be partially exempt from municipal taxation, including business assessment, but save and except taxes for school purposes, local improvements, water rates, sewer rental, and street watering, for the period of ten years from the first day of January, 1911, to the following extent and amount, that is to say: The whole of the assessed value thereof, over and above the sum of thirty-five hundred dollars.

2.—That notwithstanding the partial exemption granted by this By-law, the property of the said Messrs. Warren Bros. shall, during the said period of ten years, be annually assessed in the same manner as if this By-law had not been passed, and the taxes rated thereon shall be duly entered on the Collector's roll for the said City of St. Catharines, but such taxes, save and except such taxes for school purposes, local improvements, water rates, sewer rental and street watering, shall not be collected on any greater part of such assessment than thirty-five hundred dollars, unless the said Messrs. Warren Bros. shall have made default in the terms, provisoes or

conditions

conditions of the said agreement, in which case the whole of the taxes for the year in which such default shall happen, and when and so often as the same shall happen, shall become due and collected by the said Corporation as if this By-law had not passed.

3.—The partial exemption from taxation hereby granted shall be subject to the terms and conditions contained in a certain agreement dated the 29th day of November, 1910, between the said Messrs. Warren Bros. and the Corporation, a copy of which is hereunto annexed, and the Mayor of the Corporation is hereby authorized to execute and deliver the said agreement on behalf of the Corporation.

4.—The terms and conditions of this By-law shall extend to the successors and assigns of the said Messrs. Warren Bros., or to any other property in the City of St. Catharines to which they may remove their said business.

5.—The votes of the qualified ratepayers shall be taken on this By-law at the next ensuing Annual Municipal Election, and the polls for taking the said votes shall be held at the same hour, on the same day, at the same place or places, and by the same Deputy Returning Officers and Poll Clerks, as for the said next ensuing Municipal Election.

6.—Friday, the 30th day of December, 1910, at the hour of ten o'clock in the forenoon in the Council Chambers in the City Buildings, in the City of St. Catharines, is the appointed time and place for the appointment in writing by the Mayor of the City of St. Catharines of such persons as shall attend at the several polling places, and at the final summing up of the votes by the Clerk of the said Municipality on behalf of the persons interested in and desirous of promoting or opposing the passing of this By-law respectively.

7.—Wednesday, the 4th day of January, 1911, at the hour of ten o'clock in the forenoon, at the City Clerk's office, in the City Buildings, is hereby appointed as the time and place for the summing up by the said Clerk of the number of votes given for and against this By-law.

Passed this day of A.D. 1911.

..... Mayor.

..... Clerk.

Take notice, that the above is a true copy of a proposed By-law which has been taken into consideration by the Municipal Council of the Corporation of the City of St. Catharines, and which will be finally passed by the said Council (in the event of the assent of the electors being obtained thereto) after one month from the first publication thereof in the *St. Catharines Standard*, a public newspaper published in the said City of St. Catharines, the date of such first publication being the 6th day of December, 1910, and that at the hour, day and places therein fixed for taking the votes of the electors, the polls will be held.

*And further take notice that the names of leaseholders neglecting to file in the office of the Clerk of the Municipality the Statutory Declaration required by Subsection 1, of Section 354, of the Consolidated Municipal Act, 1903, will not be placed on the Voters' List for the voting on said By-law.

SCHEDULE

SCHEDULE "D."

AGREEMENT.

Agreement made this 29th day of November, A.D. 1910:

BETWEEN—

William Charles Warren, of the City of St. Catharines, in the County of Lincoln, Manufacturer; John Robert Warren, of the same place, Manufacturer; Frederick Warren, of the same place, Manufacturer; and Herbert Warren, of the same place, Manufacturer; carrying on business as manufacturers of knitted goods, under the name, style and firm of "Warren Bros.," of the first part,

—and—

The Corporation of the City of St. Catharines (hereinafter called the "Corporation") of the second part.

Whereas, the parties of the first part are engaged in the manufacture of knitted goods, on the premises known as 215 and 217 St. Paul Street, and described on the Assessment Roll of the City of St. Catharines for 1911, as follows: Lots numbers 68 and 69 on the Northwest side of St. Paul Street.

And whereas, the parties of the first part have applied to the Council of the Corporation of the said City of St. Catharines for partial exemption from Municipal taxation of the property of the parties of the first part, including business assessment, but save and except taxes for school purposes, local improvements, water rates, sewer rental, and street watering, to the following extent or amount, that is to say, all of that assessed value over and above the sum of thirty-five hundred dollars, and a By-law authorizing the said partial exemption has this day been passed by the said Council.

And whereas, the said parties of the first part in consideration of the granting of the said partial exemption at the final passing of the said By-law, have agreed with the Corporation that the parties of the first part will do and perform the several acts, matters and things, and observe the several covenants, provisoes and stipulations hereinafter in this agreement set out.

Now this agreement (being the agreement referred to in said By-law), witnesseth, that the parties of the first part and the Corporation mutually covenant and agree with each other in the manner following:

1.—That the parties of the first part will for the period of ten years from the first day of January, 1911, continuously carry on its manufacturing business on said premises, and will continuously employ not less than twenty-five workmen, or operatives in such manufacturing business, exclusive of the office staff, travellers and salaried officers of the said firm, save and except for such periods of cessation or shutting down, not however, to exceed one month in each calendar year, as are ordinarily incidental to the nature of the said business, and also save and except for such periods of shutting down as shall be caused by strikes of the workmen and operatives of the parties of the first part, said strikes not being caused by unreasonable acts of the parties of the first part, or their officers or servants; and will in each year of the said period pay in wages to their workmen, operatives and employees, exclusive of the office staff, travellers, and salaried officers of the partnership, engaged in the operation of the business in the City of St. Catharines, not less than ten thousand dollars.

2.—That the parties of the first part will at all times during the said period of ten years insure and keep insured its said factory buildings, plant and machinery and fixtures to their full insurable value, and if at any time during the said period of ten years said buildings, machinery and fixtures shall be wholly or partially destroyed by fire, then and in any such event and when and so often as the said event shall so happen, the parties of the first part shall at once proceed to rebuild and restore or repair the said buildings, plant and machinery and fixtures so as to make the same suitable and available at the earliest reasonable time for the purpose of their said manufacturing business, and will at the earliest reasonable time resume the said manufacturing business on said site.

3.—It is agreed that in case of a fire which shall render it impossible for the parties of the first part for the time being to continue their said manufacturing business in any or all of the departments thereof, and when and so often as the said event shall happen, then and in any such case, if the parties of the first part shall forthwith proceed to rebuild and restore said buildings, plant and machinery to their former conditions of efficiency for the purpose of resuming and carrying on their said manufacturing business at the earliest reasonable time, the parties of the first part shall be relieved *pro tanto* of their covenant as to payment of wages for year in which said fire may occur, and the amount of wages for said year shall be estimated for the proportion of such year during which the factory of the parties of the first part could have operated.

4.—It is agreed that notwithstanding the partial exemption from taxation granted by the said By-law the property of the parties of the first part shall during the said period of ten years be annually assessed in the same manner as if such By-law had not been passed, and the taxes rated thereon shall be duly entered on the Collector's Roll for the said city, but such taxes, save and except taxes for school purposes, local improvements, water rates, sewer rental and street watering, shall not be collected on any greater part of said assessment than thirty-five hundred dollars, unless the parties of the first part shall have made default in the terms, provisos and stipulations of this agreement, in which case the whole taxes of the year in which default shall happen shall become due and payable and may be collected by the said Corporation as if said By-law had not been passed.

5.—It is agreed that the auditors of the Corporation, or such other person or persons appointed by resolution of the Corporation for that purpose, shall at any time during the months of January and February in each year have free access to the books, accounts, statements and pay rolls of the parties of the first part for the purpose of ascertaining the amount paid in wages during the year ending on the then preceding 31st day of December.

6.—It is further agreed by the parties of the first part that every garment manufactured by them in the said knitting business shall have stamped or marked thereon, in addition to any other words, the words "St. Catharines, Ont."

7.—The covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators and successors and assigns of the parties of the first part and the successors of the said Corporation.

8. It is further agreed that the covenants and agreements herein contained shall extend to any other factory premises in the City of St. Catharines to which the said parties of the first part shall remove their said manufacturing business, but the partial exemption granted by the said By-law shall not apply nor extend to any premises to which the parties of the first part shall remove their

said

said manufacturing business if such premises shall at the time of such removal be assessed on the last revised Assessment Roll of the City for more than \$15,000, provided that any excess over said assessment of \$15,000 has not been caused by buildings erected or improvements made to such other premises by said parties of the first part.

In witness whereof the parties of the first part have hereunto set their hands and seals and the said Corporation has caused its corporate seal to be affixed thereto under the hand of the Mayor and Clerk of the said Corporation.

Signed, Sealed and Delivered in the presence of:

(Sgd.) J. ALBERT PAY,
City Clerk.

(Sgd.) J. M. McBRIDE, [L.S.]
Mayor.

(Sgd.) WARREN BROS. [L.S.]

CHAPTER 112.

An Act to Consolidate a Part of the Debenture
Debt of the Town of St. Mary's.*Assented to 24th March, 1911.*

WHEREAS the Corporation of the Town of St. Mary's ^{Preamble.} has a debenture indebtedness of the sum of \$133,993.11 incurred principally or entirely for Waterworks, Electric Lighting, Roads, Walks and Bridges, School Sites, Railways and Hydro-Electric Power Plant, which debentures fall due as follows:

Year.	Amount.
1920	\$ 8,982.37
1922	17,954.59
1923	1,837.02
1924	14,125.94
1925	8,181.07
1927	34,296.08
1928	29,283.55
1929	19,362.49

And whereas the whole existing debenture debt of the said Corporation, including the above amount, is \$153,882.77, of which no portion of principal or interest is in arrears; and whereas the whole rateable property of the said Corporation is \$1,681,557.00; and whereas it would be expedient and less burdensome upon the taxpayers of the said Corporation that the said debenture debts should be consolidated and extended and dealt with as herein provided; and whereas it is desirable to issue, sell or dispose of debentures to the amount of \$135,000 to enable the said Corporation to redeem the aforesaid debentures now outstanding as they fall due; and whereas it is also desirable that the said Corporation should be empowered to establish a sinking fund for the redemption of such new debts; and whereas the said Corporation have by their petition prayed to be allowed to consolidate the said debenture debts and to issue new debentures and to establish a sinking fund upon the terms in this Act con-

tained

tained for the redemption of such new debentures; and whereas it is expedient to grant the said prayer;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of
debentures
for \$135,000
authorized.

1. The Corporation of the Town of St. Mary's may from time to time pass a By-law or By-laws, under the terms and conditions hereinafter provided, for authorizing the issue and sale of debentures of the said Corporation to an amount not exceeding in the whole the sum of \$135,000, or for raising by way of loan upon the credit of such debentures, from any person or persons, body or bodies, politic or corporate, either in Canada, Great Britain or elsewhere a sum of money not exceeding in the whole the sum of \$135,000 of lawful money of Canada to redeem the debentures in the preamble of this Act mentioned.

Term of
debentures
and time
of issue.

2. The debentures so to be issued shall be debentures of the said Corporation and such of the said debentures as may be required to be issued from time to time in order to redeem debentures falling due, may be issued in the year preceding the maturing of the said last mentioned debentures; and the said debentures shall be payable within 30 years from the day of the date of the respective issue thereof at any place in Canada, Great Britain or elsewhere and may be expressed in sterling money of Great Britain or currency of Canada and such debentures shall be in sums of not less than one hundred dollars, Canadian currency, or twenty pounds, sterling.

Form of
debentures.

3. The said debentures shall be under the common seal of the said Corporation and signed by the Mayor and countersigned by the Treasurer thereof and may be in the form in the Schedule to this Act, or in such similar form as may be convenient, according to circumstances.

Coupons.

4. Coupons shall be attached to the said debentures for the payment of the interest thereon and such interest shall be payable half-yearly on the first day of the months of January and July in each and every year, at the place mentioned therein and in the coupons attached thereto, and such debentures shall bear interest at a rate to be provided by the Town of St. Mary's, but not to be in excess of four and one-half per cent. per annum.

Applica-
tion of
debentures.

5. The said debentures and any proceeds therefrom shall be applied by the said Corporation in the redemption of the debentures mentioned in the preamble to this Act and for no other purpose whatsoever.

6. For the payment of the interest on the said debentures there shall be annually raised, levied and collected, by the said Corporation, upon the whole of the then rateable or assessable property of the said Town, a special rate of so much on the dollar as shall be required to discharge the interest on the amount represented by the debentures issued by the said Corporation under the authority of this Act, whether or not they or any of them have been redeemed with sinking fund moneys by the said Corporation before maturity, until the said principal and interest shall have become due and is fully paid and satisfied. Special rates.

7. From and after the first day of April, 1911, and until the debentures issued under the authority of this Act are fully paid and satisfied, it shall be incumbent on the said Corporation to provide a sum of money by way of sinking fund by a like special rate of such an equal amount on the dollar in each year as will be sufficient at the maturity of the debentures issued by virtue of this Act, to pay off and discharge the same, such rate to be levied upon the whole of the rateable or assessable property of the said Town. Sinking fund.

8. The said Corporation shall have the power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the outstanding debentures of the said Town authorized to be redeemable by the debentures issued under this Act, or in the redemption of the debentures issued under the authority of this Act, and no such moneys of the sinking fund created by this Act shall be invested in securities other than the said debentures without the sanction of the Lieutenant-Governor in Council. Investment of sinking fund.

9. All discounts on debentures purchased by the said Corporation as a sinking fund investment shall be placed to the credit of the sinking fund account, and should the said Corporation redeem any of its outstanding debentures as in the last section mentioned before maturity the Corporation shall nevertheless continue to provide the interest on all its unmatured debentures, and the interest on such debentures as may be held by the Corporation on account of the sinking fund, shall be, as the said interest matures, placed to the credit of the said sinking fund account. Discounts on purchase of debentures with sinking fund.

10. The said sinking fund rate shall be placed to the credit of the sinking fund by the Treasurer of the said Town out of the first moneys paid to the Treasurer in each year from taxes, and such sinking fund money shall on no account be used or applied by the said Corporation or Treasurer for any other purpose than herein authorized. Sinking fund rate.

Assent of
electors not
required.

11. Any By-law or By-laws of the said Town passed under the authority of this Act shall not require the assent of the ratepayers before the final passing thereof.

By-laws
for issue,
etc., of
debentures
confirmed.

12. Any by-law of the said Town providing for the issue, sale or exchange of the said debentures mentioned in section 1 of this Act when passed and any debentures to be issued thereunder when issued shall be legal, valid and binding.

Exchange of
debentures.

13. The Corporation may by By-laws authorize the exchange of the debentures of the said Town already issued and set out in the preamble to this Act for the debentures herein provided to be issued, upon such terms as may be agreed upon between the Corporation and the holders of such debentures.

Irregularity
in form
not to
invalidate.

14. No irregularity in form of the said debentures or of the By-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the said debentures when once issued and disposed of shall be a legal and binding debt against the Municipality.

Short title.

15. This Act may be cited as *The Town of St. Mary's Debenture Act, 1911.*

SCHEDULE.

(Section 3.)

DEBENTURE.

Province of Ontario, Town of St. Mary's.
No.

Under and by virtue of the Town of St. Mary's Debenture Act, 1911, and By-law No. of the Corporation of the Town of St. Mary's, passed under the provisions contained in the said Act, the Corporation of the said Town of St. Mary's promises to pay the bearer at in the the sum of
on the day of A.D. 19 , and the yearly
coupons hereto attached as the same shall severally become due.

Dated at the Town of St. Mary's, in the County of Perth, this
day of A.D. 19 .

Mayor.

Treasurer.

CHAPTER 113.

An Act to confirm By-law Number 1604, of 1911, of
the United Counties of Stormont, Dundas
and Glengarry.

Assented to 24th March, 1911.

WHEREAS the Municipal Corporation of the United Preamble.
Counties of Stormont, Dundas and Glengarry, have
by petition represented that on the twenty-seventh day of
January, A.D. 1911, it passed a by-law being number 1604 to
authorize the Warden and Clerk to accept conveyances of
land and chattels and a gift of money in connection with the
acquiring of a site for a House of Refuge, and to execute a
bond or obligation for the semi-annual payment of interest
on the value of same, said by-law being fully set out in
Schedule "A" to this Act; and whereas, the said Municipal
Corporation of the United Counties of Stormont, Dundas and
Glengarry, acting under and by virtue of said by-law num-
ber 1604, did on the twenty-seventh day of January, A.D.
1911, execute a bond to William A. Craig, and Agnes M.
Craig, for the purpose of assuring out the annual payment
to be made to William A. Craig or to his wife in the event
of her surviving him during the period of twenty years and
which said bond is fully set out in Schedule "B" to this Act;
and whereas, after the passing of said by-law number 1604,
and after execution of said bond, William A. Craig declined
to execute a conveyance of real and personal estate covered
by said by-law on the ground that he had been advised by his
solicitor that said by-law was invalid and beyond the powers
of the Municipal Act; and whereas, after careful consider-
ation by the Municipal Corporation of the United Counties
of Stormont, Dundas and Glengarry, it was considered that
there was some doubt as to the power of the Municipal Cor-
poration to legally carry out the provisions set out in said
bond, and a special meeting of the Municipal Corporation of
the United Counties of Stormont, Dundas and Glengarry
was held on the afternoon of the sixth day of February, A.D.
1911, when a by-law was unanimously passed authorizing
the Warden and Clerk of said Municipal Corporation of the
United Counties of Stormont, Dundas and Glengarry, to
petition

petition the Honourable, the Legislative Assembly of the Province of Ontario, in Parliament assembled, to pass an Act ratifying, confirming, and declaring legal and valid by-law number 1604, being by-law set out in Schedule "A," Bond set out in Schedule "B" and everything to be done under the provisions of said By-law Number 1604; and whereas William A. Craig has also signed petitions, and has by conveyance, dated the seventh day of February, A.D. 1911, conveyed to the Municipal Corporation of the said United Counties of Stormont, Dundas and Glengarry, the real estate described in said By-law number 1604, said conveyance being set out in full in Schedule "C" to this Act; and has agreed just so soon as said By-law number 1604 is declared legal and valid to pay over the said sum of seven thousand dollars mentioned in said bond; and whereas the Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry, consider that it is desirable and advantageous to accept the offer of the said William A. Craig and have prayed that an Act may be passed for the purposes hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law
1604, bond
and deed,
confirmed.

1. By-law number 1604 of the Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry, together with bond and deed referred to in the said by-law, and set out in full in Schedules "A," "B" and "C" to this Act, are confirmed and declared legal, valid and binding, in the same manner and to the same extent as if set out at length, and the provisions thereof enacted in this Act, subject only to William A. Craig completing said transactions; by paying over to the Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry the said sum of seven thousand dollars referred to in said bond, anything contained in the Municipal Act or any other Act to the contrary notwithstanding.

Special
rate.

2. The Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry may levy yearly on the rateable property of the said United Counties of Stormont, Dundas and Glengarry, an annual sum necessary to meet the requirements of said bond.

Advertise-
ment or
registra-
tion of
By-law not
required.

3. It shall not be necessary for the said Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry to advertise or register said By-law.

SCHEDULE "A."

BY-LAW No. 1604.

By-law to authorize Warden and Clerk to accept conveyances of land and chattels and a gift of money, in connection with acquiring a site for House of Refuge, and to execute a bond or obligation for the semi-annual payment of interest on the value of same.

Whereas, under and by virtue of 3 Edw. VII., Chap. 38, it is incumbent and imperative upon the Corporation of every County or Union of Counties, to erect and establish a House of Refuge for the reception of persons of the classes described in Sec. 526 of the *Consolidated Municipal Act*, and Amendments thereto;

And whereas it is necessary to acquire a suitable site for such institution;

And whereas this Corporation has been offered certain lands for a site, and certain chattels and farm implements and the sum of \$7,000 in cash towards erection of buildings or improving or beautifying site, by one William A. Craig, of the Township of Cornwall, in the County of Stormont, upon the following terms and conditions, viz:

The said farm chattels and implements, vehicles and machinery for the nominal sum of \$1.00:

An absolute deed, in fee simple, of the land hereinafter described, valued at \$13,000, and an absolute gift of the sum of \$7,000 provided this Corporation guarantees the payment of interest, payable half yearly on the sum of \$20,000 (representing such land and cash) at the rate of 6 per cent. per annum for the fixed period of twenty years, should the said William A. Craig and his wife, Agnes M. Craig, or either of them, so long live, such interest to cease upon the death of the survivor of them during said period, and only the proper proportion of the then accruing half yearly payment to be paid over to estate of such survivor;

And whereas it seems desirable and advantageous to accept the said offer, and authorize the proper carrying out of the same, by the acceptance of the necessary conveyances and the execution of the necessary bond or obligation for payment of instalments as aforesaid;

Be it therefore enacted and it is hereby enacted a By-law of the Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry as follows:—

1. That the Warden and Clerk of this Corporation be and they are hereby authorized to accept from the said William A. Craig a Bill of Sale of the following goods, chattels and farm implements, vehicles and machinery, and accept constructive delivery and possession thereof, also for such Clerk to make the necessary affidavit of bona fides and file the said Bill of Sale in the proper office, and pay the said sum of \$1.00 nominal consideration money, to the said William A. Craig, viz:

One reaper, one mower, one hay rake, one hay tedder, one steel scraper, three ploughs, two sets harrows, one disc harrow, one seeder, two lumber waggons with boxes and hay racks, two sets heavy lumber sleighs, two carts, land roller, fanning mill, horse weeder, two one horse cultivators, one potato plough, one garden hand seeder and weeder, three pumps, (one force with troughs) three horse forks and all attachments, one single cutter, one Gladstone buggy, four or five sets harness, single and double, 350 or 400 tin sap buckets and spiles, one galvanized iron sap tank, three

sap

sap pans, one sap gathering tank and sleigh, together with a number of small tools and hand implements usually found on and about a farm, also one square piano.

2. And be it further enacted that the Treasurer of this Corporation be, and he is hereby authorized, empowered and instructed to receive from the said William A. Craig, the sum of seven thousand dollars in cash, and to credit the same to the account under which receipts and expenditures, under the head of House of Refuge Building expenses, etc., are entered, such sum of money to be used and applied according to the expressed intention of the said donor, viz.: Towards the improvement of the site donated by him and hereinafter described, or towards the expenses of the building or furnishing the said House of Refuge, or stocking or otherwise equipping the farm in connection therewith.

3. And be it further enacted that the Warden and Clerk of this Corporation be and they are hereby authorized and empowered to accept on behalf of this Corporation a Deed of Conveyance from the said William A. Craig and his wife, Agnes M. Craig (to bar dower) and to have the same duly registered, such deed or conveyance granting and conveying to the said Corporation in fee simple, for the purpose of a site for the House of Refuge aforesaid, and of an industrial farm in connection therewith, in perpetuity, the following lands and premises, viz.:

(a) The west half of lot number eight in the second Concession of said Township of Cornwall, save and except the north twenty acres thereof, said parcel containing seventy-five acres, more or less.

(b) The north half of the south half of the east half of lot number nine in the said Second Concession containing twenty-five acres of land, more or less, together with that part of the west half of said lot number nine in said Second Concession, which may be described as follows:—

Commencing at a point on the west side of the said lot, at a distance of thirty chains and fourteen links in the direction of north, twenty-four degrees west, from the south-west corner of the said lot number nine; thence north, sixty-six degrees east, to the centre of the said lot; thence north twenty-four degrees west, forty-six links; thence south sixty-six degrees west to the west side of the said lot number nine; thence south twenty-four degrees east, forty-six links to the place of beginning.

Such parcel being subject to an unexpired lease of a portion of said twenty-five acres about a quarter of an acre in extent (with a slaughter house thereon erected) to one Joseph Hessel, of Town of Cornwall, butcher, which expires 8th October, 1913, at an annual rental of \$10.00, which said lease and the benefits of its terms and conditions, and all rents accruing due or to become due thereunder is to be assigned and transferred to this Corporation, the slaughter house building being reserved to and removable by said Craig at expiration of term of said lease or prior thereto.

(c) The north forty acres of the east half of lot number eight in said Second Concession of said Township of Cornwall, save and except the north-west corner thereof containing an acre, more or less, owned by one William Crawford, and also save and except the north-east corner thereof, containing about one and a half acres, more or less, owned by one Henry Gallinger.

This parcel to be subject to the conditions of an agreement as to the east line fence between the said Craig and James Dingwall, embodied in a deed from the latter to the former, registered 4th May, 1900, as No. 9245, and as amended by subsequent agreement, dated February 23rd, 1910, between said parties;

And said parcel is to be further subject to the terms of a verbal agreement between said Craig and Fallon Brothers of Cornwall, whereby the latter are entitled to take stone and gravel from the gravel pit on said parcel in sufficient quantities for their requirements in their contract for Cornwall Canal Improvement or for sale to others until such time only as such contract is completed, all the benefits arising under said agreement to be retained and reserved by said Craig, in such conveyance.

(d) A strip of land ten feet wide along the westerly side of a parcel of land, being part of the Glebe Lot, as laid out and lettered "K" on a map of the Glebe Lot in the rear of and adjoining the Town of Cornwall, in the First Concession of the Township of Cornwall, in the County of Stormont, drawn by John S. Bruce, a Provincial Land Surveyor, which map was duly registered in the Registry Office for the County of Stormont on the 19th day of October, 1863, and also a strip of land ten feet wide which is a continuation of that strip of land ten feet wide already above described and running from the same in a southerly direction to the land of the Grand Trunk Railway Company, which said secondly mentioned strip of ten feet wide forms part of the said Glebe, and may be described as follows:—

Commencing at the south-west angle of the said lot, letter "K"; thence southerly on a line forming the continuation of the westerly line of the said lot, letter "K," to the Grand Trunk lands; thence easterly along the north side of the Grand Trunk lands, ten feet; thence northerly parallel to the said west side line of the said lot, letter "K" to the south side of the said lot, letter "K"; thence westerly along the south boundary of the said lot, letter "K" to the place of beginning and being the parcel purchased by said Craig from Mary Noonan and others by instrument, recorded 5th August, 1897, as No. 8399;

And be it further enacted that for the purpose of securing the payments of \$600 semi-annually, during the period of twenty years aforesaid, or during the lifetime of the said William A. Craig, and his wife, Agnes M. Craig, or the survivor of them as aforesaid, should both die within said period of twenty years, the Warden and Clerk of this Corporation be, and they are hereby authorized and empowered and are also hereby instructed and directed, to sign, execute, and deliver a bond or undertaking under the Corporate Seal, to bear even date with said conveyances, and to be properly conditioned as aforesaid, in the penal sum of \$24,000 reducible at the rate of \$1,200 per annum as such payments mature and are liquidated by payment, said bond to be void upon the completion of said payments in the terms thereof, and that the Treasurer of this Corporation from time to time and for the time being be and he is hereby authorized and directed to pay to the said William A. Craig, or to his said wife, should she survive him, every six months, on the first days of August and February (and on the next following week day not being a holiday when either or both of such dates falls upon a Sunday) in each and every year during the said period of twenty years, or during the lives of the said William A. Craig and his said wife, should she survive him, and should both die within twenty years as aforesaid, and also to pay to the personal representative of such survivor, a pro rata portion of such sum of \$600 accruing due from date of the next preceding payment, to the date of death of such survivor, such payments to be made out of the general funds of this Corporation or out of any special fund levied annually for such purpose, or temporarily, out of any other funds or assets of this Corporation which may be available for the purpose.

5. And it is hereby lastly enacted that the Clerk of this Corporation do, within the time limited by section 396 and subsections thereof, of the *Consolidated Municipal Act, 1903*, and amendments

thereto,

thereto, cause to be registered in the Registry Division of the County of Stormont, a copy of said By-law, certified in the manner required by subsection 3 of said section, and do immediately thereafter cause to be published in some public newspaper published in the Town of Cornwall, as may be designated by resolution of the Council of this Corporation for the period of three successive weeks, the notice required by section 397 and subsections 1 and 2 thereof of the said Act.

Finally passed, signed and sealed, in open council, this 27th day of January, A.D. 1911.

(Signed) A. I. MACDONELL, *Clerk.*

(Signed) GEO. L. McLEAN, *Warden.*

SCHEDULE "B."

BOND.

Know all men by these presents that the Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry, in the Province of Ontario, is bound to William A. Craig, of the Township of Cornwall, in said County of Stormont, Farmer, and to his wife, Agnes M. Craig, or to the survivor of them in the sum of twenty-four thousand dollars (to be reduced at the rate of twelve hundred dollars per annum, so long as the payments hereinafter referred to are made promptly and regularly) to be paid to the said William A. Craig or the said Agnes M. Craig, or the survivor of them, or to the representative of such survivor, for which payment well and truly to be made the said Corporation binds itself, its successors and assigns firmly by these Presents.

Sealed with the Seal of said Corporation and dated this day of February, A.D. 1911.

Whereas the said William A. Craig has offered to said Corporation in perpetuity for the purposes of a House of Refuge to be erected under the Statute, and of an Industrial Farm in connection therewith, certain lands in Township of Cornwall and a cash donation of a total value of twenty thousand dollars, upon the terms and conditions that the said Corporation pay to him for a period of twenty years, should he so long survive, or to his said wife, after his death, the sum of six hundred dollars every six months, being interest on said \$20,000 at six per centum per annum, such payments to cease upon the death of the survivor of the said Craig or his said wife, or at the end of said period of twenty years, should one or both of them be still alive, and such payments to be secured by this obligation or Bond;

And whereas the said Corporation have accepted the said offer, and have taken a conveyance of the said lands bearing even date herewith, and have received the stipulated cash donation of seven thousand dollars;

Now the condition of this obligation is such that if the said Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry, or its successors in office, do well and truly pay or cause to be paid, semi-annually on the first days of the months of August and February, in each year during the joint lives of the said William A. Craig, or his said wife, and during the lifetime of the survivor, or during the maximum period of twenty years from this

date,

date, should they or either of them so long survive, to the said William A. Craig, or to his said wife, should she survive him, payments of the respective sums of six hundred dollars each, and also to the legal representatives of such survivor (should he or she die within the period of twenty years) a proportionate part of the semi-annual payment then accruing due, based upon the elapsed time since the last preceding payment to the date of such death. Then this obligation to be void and of no effect or else to remain in full force and virtue.

Provided, and it is hereby understood and agreed by and between the parties hereto that this Bond or obligation is not to have any binding force or effect, unless and until By-law No. 1604 of said Corporation and all conveyances, Bonds, obligations and documents executed thereunder have been ratified, confirmed, and validated by a Special Act of the Legislature of the Province of Ontario, for which application has been duly made.

In witness whereof the said Corporation, by its Warden and Clerk, authorized thereto by By-law No. 1604, of said Corporation, passed on the 27th day of January, A.D. 1911, have hereunto set their hands and affixed the Seal of said Corporation hereto.

Signed, sealed and delivered in the presence of

(Seal)

*Warden, United Counties of
Stormont, Dundas and Glengarry.*

(Seal)

*Counties Clerk, United Counties of
Stormont, Dundas and Glengarry.*

PROVINCE OF ONTARIO, COUNTY OF STORMONT, TO WIT:

I, _____ of the Town of Cornwall, in the
County of Stormont, _____ make oath and say
as follows:—

1. That I was personally present and did see the within or foregoing Instrument or Bond, duly signed, sealed and executed by the Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry (by the signatures of the Warden and Clerk of said Corporation being appended thereto, and the Corporate Seal of said Corporation being impressed thereon) one of the parties thereto.

2. That the said Instrument or Bond was so executed at the Town of Cornwall aforesaid, on _____ the _____ day of February, A.D. 1911.

3. That I know the said George L. McLean, Warden, and Adrian I. Macdonell, Clerk, and know them to be the properly appointed officials of said Corporation for current year.

4. That I am a subscribing witness to the execution of the said Instrument or Bond and that the signature “ _____ ” set and described thereto is of the proper handwriting of me this deponent.

Sworn before me at the Town of Cornwall, in the County of Stormont, this _____ day of February, A.D. 1911.

A. COMM. ETC., H.C.J.

SCHEDULE

SCHEDULE "C."

This indenture made in duplicate the Seventh day of February, One thousand nine hundred and eleven, in pursuance of *The Short Forms of Conveyances Act*—

Between—

William A. Craig, of the Township of Cornwall, in the County of Stormont, Farmer, hereinafter called the Grantor, of the First Part; Agnes M. Craig, of the same place, wife of the said Grantor, of the Second Part;

—and—

The Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry, hereinafter called the Grantees of the Third Part.

Whereas the said Grantor has offered and agreed to convey to the said Grantees, in perpetuity for the purposes of a House of Refuge and Farm in connection therewith under the Statute the lands and premises hereinafter mentioned and described, valued at Thirteen thousand dollars, in addition to donating the sum of Seven thousand dollars in cash towards the erection of such House of Refuge or improvement of site, or other purpose in connection with same upon the condition that the said Grantees guarantee the payment to him or to his wife, Agnes M. Craig, should she survive him, of the sum of twelve hundred dollars per annum (being interest at 6 per cent. per annum on said sums aggregating \$20,000) for the period of twenty years should he or she so long survive, or during the lives of himself and his wife (should she survive him) should they both die within such period.

And whereas such offer upon the said conditions has been accepted by Council of said Grantee Corporation and a By-law (No. 1604) passed on the 27th day of January, A.D. 1911, ratifying such acceptance and authorizing the acceptance of this Conveyance and the delivery of a bond securing such payments, as therein recited, said Bond bearing even date herewith, and to be delivered and exchanged for this Conveyance and such Cash donation.

Witnesseth, that in consideration of the premises and of the said Bond now delivered by the said The Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry (represented thereon by the Warden and Clerk thereof), to the said William A. Craig, the receipt whereof is hereby by him acknowledged, he, the said William A. Craig, doth grant unto the said The Municipal Corporation of the United Counties of Stormont, Dundas and Glengarry for the purposes aforesaid in perpetuity, in fee simple:

All and singular the following parcels or tracts of land and premises situate, lying and being in the Township of Cornwall, in the County of Stormont, aforesaid, which may be more particularly known and described as follows, viz.:

Firstly.—The West half of lot number Eight in the Second Concession of said Township of Cornwall, save and except the North Twenty acres thereof, said parcel containing seventy-five acres, more or less.

Secondly.—The North half of the South half of the East half of lot number Nine in the said Second Concession, containing twenty-five acres of land, more or less, together with that part of the West half of said lot number Nine, in said Second Concession, which may be described as follows:—

Commencing

Commencing at a point on the West side of said lot at a distance of thirty chains and fourteen links in the direction of North Twenty-four degrees West from the South-west corner of the said lot number Nine, thence North sixty-six degrees East to the centre of the said lot, thence North twenty-four degrees West forty-six links, thence South sixty-six degrees West to the West side of the said lot number Nine, thence South twenty-four degrees East forty-six links to the place of beginning.

Such parcel being subject to an unexpired lease of a portion of said twenty-five acres about a quarter of an acre in extent (with a slaughter house thereon erected) to one Joseph Hessel, of the Town of Cornwall, Butcher, which expires 8th October, 1913, at an annual rental of \$10.00, which said lease, and the benefit of its terms and conditions and all rents accruing due or to become due thereunder is hereby assigned and transferred to the said Grantees, the said slaughter house building being reserved by grantor and removable by him or his Vendee at any time hereafter.

Thirdly.—The North forty acres of the East half of lot number Eight in said Second Concession of said Township of Cornwall save and except the North-East corner thereof containing an acre more or less, owned by one William Crawford, and also save and except the North-East corner thereof, containing about one and a half acres more or less, owned by one Henry Gallinger.

This parcel to be subject to the conditions of an agreement as to the East line fence between the said Grantor and James Dingwall, embodied in a Deed from the latter to the former registered 4th May, 1900, as No. 9245, and as amended by subsequent agreement dated February 23rd, 1910, between said parties;

And said parcel is further subject to the terms of a verbal agreement between said Grantor and Fallon Brothers, of Cornwall, where the latter are entitled to take stone and gravel from the gravel pit on said parcel in sufficient quantities for their requirements in their contract for Cornwall Canal Improvement or for sale to others until such time only as such contract is completed, all the benefits arising under said agreement being hereby retained and reserved by the said Grantor and said parcel to be exempt from the general provision as to perpetuity and is to be saleable by said grantees at their option and discretion.

Fourthly.—A strip of land ten feet wide along the Westerly side of a parcel of land, being part of the Glebe Lot as laid out and lettered "K" on a map of the Glebe Lot in the rear of and adjoining the Town of Cornwall, in the First Concession of the Township of Cornwall, in the County of Stormont, drawn by John S. Bruce, a Provincial Land Surveyor, which map was duly registered in the Registry Office for the County of Stormont on the 19th day of October, 1863, and also a strip of land ten feet wide which is a continuation of that strip of land ten feet wide already above described and running from the same in a Southerly direction to the land of the Grand Trunk Railway Company, which said secondly mentioned strip of ten feet wide forms part of the said Glebe, and may be described as follows:

Commencing at the South-West angle of said lot letter "K," thence Southerly on a line forming the continuation of the Westerly line of the said lot letter "K" to the Grand Trunk Lands, thence Easterly along the North side of the Grand Trunk Lands ten feet, thence Northerly parallel to the said West side line of the said lot letter "K" to the South side of the said lot letter "K," thence Westerly along the South boundary of the said lot letter "K" to the place of beginning, and being the parcel purchased by said Grantor from Mary Noonan and others, by instrument recorded 5th August, 1897, as No. 8399.

The said Grantor covenants with the said Grantees that he has the right to convey the said lands to the said Grantees notwithstanding any act of the said Grantor;

And that the said Grantees shall have quiet possession of the said lands free from all encumbrances.

And the said Grantor covenants with the said Grantees that he will execute such further Assurances of the said lands as may be requisite.

And the said Grantor covenants with the said Grantees that he will produce the title deeds enumerated hereunder, and allow copies to be made of them at the expense of the said Grantees, viz.:

Bond 19th March, 1889, Robert Craig to Grantor; Deed 3rd August, 1897, Mary Noonan and others to Grantor; Deed James Dingwall *et ux* to Grantor May 1st, 1900; Deed George Gallinger to Grantor February 14th, 1910; Lease from Grantor to Joseph Hessel October 8th, 1908.

And the said Grantor covenants with the said Grantees that he has done no act to encumber the said lands;

And the said Grantor releases to the said Grantees all his claims upon the said lands, save and except the reservation *re* gravel agreement hereinbefore mentioned, and the right to reside upon the premises until possession of the buildings is required by Grantees, when he agrees to vacate same upon reasonable notice, hereby fixed at six weeks, said notice not to be given before May 1st, 1911.

And the said wife of the said Grantor hereby bars her dower in the said lands;

Provided and it is hereby understood and agreed by and between the parties hereto, that this instrument or conveyance is not to have any force and effect unless and until the said By-law No. 1604, and all Conveyances, Bonds, Obligations, and documents executed thereunder have been ratified, confirmed, and validated by a special Act of the Legislature of the Province of Ontario, for which application has been duly made.

In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered,
in the presence of

Signed,
CLAIRE B. MACDONELL.

Signed,
A. I. MACDONELL.

Signed,
W. A. CRAIG, (Seal.)

Signed,
AGNES M. CRAIG. (Seal.)

PROVINCE OF ONTARIO,
COUNTY OF STORMONT,
To Wit:

I, Adrian I. Macdonell, of the Town of Cornwall, in the County of Stormont, Barrister, make oath and say as follows:

1. That I was personally present and did see the within instrument and duplicate thereof fully signed, sealed and executed by William A. Craig and Agnes M. Craig, two of the parties thereto

2. That the said instrument and duplicate were so executed by the said parties at the Town of Cornwall aforesaid.

3. That I know the said parties.

4. That I am a subscribing witness to the execution of the said instrument and duplicate.

Sworn before me at the Town of
Cornwall, in the County of Stormont,
this Seventh day of February, A.D. 1911.

(Signed) A. I. MACDONELL.

(Signed) JOHN A. McDUGGALD,
A Commr., etc., H. C. J.

CHAPTER 114.

An Act respecting the City of Stratford.

Assented to 24th March, 1911.

Preamble.

WHEREAS The Municipal Corporation of the City of Stratford has by its petition represented that on the 2nd day of May, 1910, it passed its By-law No. 1695, after it had been duly approved by the ratepayers of the said City, to borrow \$85,000 for the construction of a plant to distribute electric light, heat and power acquired by the City from the Hydro Electric Commission and it became desirable to acquire the electric plant of the Stratford Gas Company in said City as an addition to or extension of its own distribution plant, and with that object in view a By-law of said Corporation, No. 1740, authorizing such purchase, was on the 29th of July, 1910, voted upon by the ratepayers of said City and carried by a majority of 935 votes, and pursuant to such authority it entered into an agreement dated the 24th day of September, 1910, with The Stratford Gas Company for the purchase of such plant and on the 15th day of December, 1910, the Council of said City passed its By-law No. 1753 by a three-fourths majority of all the members of the Council, which agreement and By-law are set out in full as Schedules A and B respectively to this Act. And whereas the said Corporation has by its said petition prayed that an Act may be passed to confirm and validate the said agreement and By-law and the debentures to be issued thereunder and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
in Sched.
"A" con-
firmed.

1. The agreement set out in Schedule "A" to this Act is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

2. By-law No. 1753 of the City of Stratford, set out in Schedule "B" to this Act, is confirmed and such By-law and the debentures to be issued thereunder are declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof.

By-law No.
1753 of City
of Stratford
confirmed.

3.—(1) The Council of the Corporation of the City of Stratford may, by By-law passed with the assent of the electors qualified to vote on by-laws for the creation of debts, provide that the Board of Water Commissioners of the said Municipality shall be united with the Board of Light and Heat Commissioners of the said Municipality in one Commission, to be known as "The Board of Water and Light Commissioners," and from and after the passing of such By-law, the persons constituting the said Boards shall form one Board to be known as "The Board of Water and Light Commissioners of the City of Stratford," and the said Board shall possess, enjoy and exercise all the rights, powers and privileges, and shall perform all the duties of a Board of Commissioners under *The Municipal Light and Heat Act* and under *The Municipal Water Works Act*.

Constitu-
tion of
Board of
Water and
Light Com-
missioners.

(2) The provisions of *The Municipal Water Works Act* relating to the term of office, qualification and the election of Commissioners, and all other provisions of the said Act relating to Water Commissioners, shall apply to the members of the said Board of Water and Light Commissioners.

Application
Stat., c. 235
of Rev.

SCHEDULE "A."

This agreement made in duplicate the twenty-fourth day of September, 1910,

BETWEEN—

The Corporation of the City of Stratford, acting by and through the Board of Light and Heat Commissioners of the said Corporation, hereinafter called "the Corporation," of the first part;

—and—

The Stratford Gas Company, hereinafter called "the Company," of the second part.

Whereas by agreement bearing date the 27th day of June, 1910, the Company agreed to lease to the Corporation the Company's electric light plant in the City of Stratford, as set out in detail in certain schedules prepared and referred to in the award of H. A. Moore, E. J. Philip and E. B. Merrill, who valued as arbitrators the said property in December, 1909, such lease being for the term of one year from the first day of July, 1910, at the rental of \$4,380, with the right to the Corporation to renew the said lease from year to year at the same rental.

And

And whereas it was by the said agreement further provided that upon the said Commission obtaining proper authority therefor, a binding contract should be entered into between the Corporation and the Company, for the purchase of the said property by the Corporation for and in consideration of ten yearly payments of \$4,380, without interest, such yearly payments to be made in four quarterly payments on the last days of the months of September, December, March and June.

And whereas the said Commission has obtained proper authority for the making of such agreement of purchase.

This agreement therefore witnesseth:

1. The corporation agrees to purchase from the Company the electric light plant of the said Company hereinbefore referred to and pay the Company therefor the sum of \$43,800, the same to be paid by the Corporation to the Company in quarterly instalments of \$1,095 each, without interest, on the last days of the months of September, December, March and June, for the period of ten years and until the full sum of \$43,800 shall have been paid, the first of such quarterly payments to be made on the 30th day of September, 1910, and the Company agrees to sell the said electric light plant to the Corporation upon the terms aforesaid.

2. From and after the execution of this agreement the lease of the said electric light plant by the Company to the Corporation shall be deemed to have been surrendered and the obligation of the Corporation to make the quarterly payments aforesaid, shall be taken as full payment and satisfaction of all claims for rent in respect of the said lease.

3. Upon the payment by the Corporation to the Company of the said sum of \$43,800 in manner aforesaid, the Company will by proper assignments, transfers and conveyances cause all the property aforesaid to be assigned, transferred and conveyed and vested in the Corporation by a title free of incumbrances, except as herein provided.

4. Until the Corporation shall have received such assignment, transfer and conveyance, as aforesaid, the Corporation shall be entitled to possession and occupation and the use of all the said property, with liberty to deal with the same and with any part thereof as to it may seem fit, with the right to take down, remove, rebuild, sell or otherwise deal with the property or any part thereof.

5. The Corporation assumes all risks of loss or damage to the said property from and after the execution of this agreement and may insure same for its own benefit as it may see proper.

6. It is further expressly understood that nothing herein contained shall operate in any way to relieve the Company from its undertaking contained in the Agreement aforesaid, not to carry on the business of supplying electric light, electric heat or electric power, but the Company may maintain a dynamo in connection with its gas plant for supplying electricity to its own properties on the east and west side of Wellington Street, and for such purpose may maintain a wire or wires across Wellington Street.

7. The Corporation will pay all taxes upon the said property from and after the first day of July, 1910.

8. The Company are hereby relieved from all liability in respect of the rental from and after the first day of July, 1910, of the water power payable by the Company under contract with one Malcolm McFarlane and now payable to the City Treasurer for the Park Commission, such rental being at the rate of \$600 per annum.

said extensions and improvements sufficient additional revenue to meet the annual special rate required to pay the debt to be created under this by-law;

And whereas upon the final passing of this by-law three-fourths of all members of the Council of the said Municipality have voted in favor of the same, which three-fourths vote is evidenced by the passing hereof;

Be it therefore enacted by the Corporation of the City of Stratford as follows:—

1. That it shall and may be lawful for the Mayor of the said City of Stratford to cause thirty-eight debentures to be made, each for the sum of \$1,095, which said debentures shall be sealed with the seal of the said Municipality and signed by the Mayor and countersigned by the Treasurer thereof.

2. That the said debentures shall be made payable as follows: The first of such debentures to be payable on the 31st day of March, 1911, and thereafter one of the said debentures to become payable on the last day of the months of June, September and December, 1911, and on the last day of the months of March, June, September and December in each succeeding year until they shall all be payable; and the same shall be payable at the office of the Treasurer aforesaid in the City of Stratford.

3. That the said annual sum of \$4,380 for the payment of the said debentures shall be raised and levied in each year by a special rate sufficient therefor on all the rateable property in the said Municipality in addition to all other rates during the continuance of the said debentures or any of them.

4. The proceeds of the said debentures shall be applied to and for the purpose hereinbefore recited and for no other purpose.

5. The debentures to be issued under this by-law shall be issued on the 2nd day of January, 1911.

6. This by-law shall come into force and take effect on the 31st day of December, 1910, provided the same has been approved by the Lieutenant-Governor in Council under the provisions of the *Consolidated Municipal Act, 1903*, and amendments thereto, or by such other authority as is lawfully empowered to exercise the jurisdiction conferred upon the Lieutenant-Governor in Council in that behalf, and in default of such approval then when the same shall have been ratified and confirmed by Act of the Legislature of Ontario.

Finally passed the fifteenth day of December, 1910.

(Seal.) "W. S. DINGMAN," Mayor.

"R. R. LANG," Clerk

CHAPTER 115.

An Act respecting the City of St. Thomas.

Assented to 24th March, 1911.

WHEREAS the Corporation of the City of St. Thomas has, by its Petition, represented that By-law No. 1862 was passed with the assent of the ratepayers on the 3rd day of May, A.D. 1910, authorizing the issue of debentures to the amount of \$10,000 by way of a Loan to The C. Norsworthy and Company, Limited, as successors of the firm of C. Norsworthy and Company, and a fixed assessment of \$15,000 for ten years, for the establishment of a factory for the manufacture of furnaces, stoves and other articles, and of 2,600 ratepayers entitled to vote on the said By-law 1,851 voted in favor of the By-law and 64 against it; and that By-law No. 1863 was passed with the assent of the ratepayers on the 3rd day of May, A.D. 1910, authorizing the issue of debentures to the amount of \$15,000 by way of a loan to A. E. Medcalf and a fixed assessment for ten years of \$5,000 for the establishment of a Shoe Factory in the said City, and of 2,600 ratepayers entitled to vote thereon 1,838 voted in favor of the By-law and 71 against it; and that By-law No. 1903 was passed with the assent of the ratepayers on the 6th day of December, A.D. 1910, authorizing the issue of debentures to the amount of \$30,000 by way of a loan to The Monarch Knitting Company, Limited and a fixed assessment for ten years of \$10,000 for the establishment of a Knitting Factory in the said City, and of 2,665 ratepayers entitled to vote thereon 2,132 voted in favor of the By-law and 28 against it; and whereas the said Municipal Corporation has further represented that it has taken security by way of mortgage upon the lands, buildings, plant and machinery of the said The C. Norsworthy and Company, Limited, and A. E. Medcalf as security for the loans to the said parties respectively, and that it proposes to take similar security from The Monarch Knitting Company, Limited, and it is expedient to confirm the said security and to provide that the said Municipal Corporation shall not require

to

to raise by taxation the yearly payments of interest, sinking funds or principal money on the said debentures or any of them except in those years when the same is actually necessary, and in those years in which such payments are to be made by the municipality in any event; and whereas the said Municipal Corporation has further represented that it is necessary and expedient for public safety to replace Palm Street Bridge in the said City and to issue debentures to an amount not exceeding \$13,000 therefor, and also to issue debentures for a sum not exceeding \$30,000 for paying the cost of completing the installation of Hydro-Electric power in the said City; and whereas the said Municipal Corporation has, by its Petition, prayed that an Act may be passed for the purposes aforesaid, and it is expedient to grant the prayer of the said Petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:

By-law 1862
of City of
St. Thomas
to loan
\$10,000 to
and fix
assessment
of C.
Norsworthy
& Co. at
\$15,000 for
10 years.

1. By-law No. 1862 of the Corporation of the City of St. Thomas, set forth in Schedule "A" to this Act, intituled "A By-law to grant a loan of \$10,000 to C. Norsworthy and Company and a fixed assessment of \$15,000, exclusive of school taxes, for ten years, in consideration of their establishing a factory in St. Thomas for the manufacture of furnaces, stoves and other articles," passed by the Council of the said City on the 3rd day of May, A.D. 1910, and the debentures to be issued thereunder are hereby declared to be valid, legal and binding upon the Corporation of the City of St. Thomas.

By-law 1863,
to loan
\$15,000 to
and fix
assessment
of A. E.
Medcalf at
\$5,000 for
10 years.

2. By-law No. 1863 of the Corporation of the City of St. Thomas, set forth in Schedule "B" to this Act, intituled "A By-law to grant a loan of \$15,000 to A. E. Medcalf and a fixed assessment of \$5,000, exclusive of school taxes, for a term of ten years in consideration of his establishing a factory in St. Thomas for the manufacture of shoes," passed by the Council of the said City on the 3rd day of May, A.D. 1910, and the debentures to be issued thereunder are hereby declared to be valid, legal and binding upon the Corporation of the City of St. Thomas.

By-law 1903,
to loan
\$30,000 to

3. After a mortgage has been executed and registered as provided by Section 7 of this Act, By-law No. 1903 of the Corporation of the City of St. Thomas, set forth in Schedule "C" to this Act, intituled "A By-law to grant a loan of \$30,000 and a fixed assessment of \$10,000 for

ten years to The Monarch Knitting Company, Limited, in consideration of establishing a knitting factory in the City of St. Thomas," and the debentures to be issued thereunder shall be valid, legal and binding upon the Corporation of the City of St. Thomas.

and fix
assessment
of Monarch
Knitting Co.
at \$10,000
for 10 years.

4. It shall not be necessary for the said Corporation of the City of St. Thomas to include in the estimates of the yearly expenditure or to raise in the annual taxes the sum or sums required to meet the yearly payments for interest, sinking funds or principal money on the debentures to be issued under the said By-laws or any of them, except in those years in which default may be made by any of the said parties in the repayment of their said loans, or in those years in which any of said payments are to be made by the municipality in any event.

Levy of
special rate
only
required
when default
made in re-
payment of
loan.

5.—(1) Subject to the provisions of sub-section (2) The mortgage made by The C. Norsworthy Company, Limited, to the Corporation of the City of St. Thomas, bearing date the 10th day of October, A.D. 1910, and registered in the Registry Office for the County of Elgin as No. 33432 for St. Thomas, is declared to be a first lien, charge and encumbrance upon the real and personal property of the said Company mentioned therein, until the said mortgage is fully paid and satisfied.

Mortgage
from C.
Norsworthy
& Co., first
charge on
real and
personal
property of
Company.

(2) The said mortgage shall be filed in the office of the Clerk of the County Court of the County of Elgin within one month after the passing of this Act, but for all other purposes the provisions of *The Bills of Sale and Chattel Mortgage Act* shall apply thereto.

6.—(1) Subject to the provisions of subsection (2) The mortgage made by A. E. Medcalf to the Corporation of the City of St. Thomas, bearing date the 29th day of July, A.D. 1910, and registered in the Registry Office for the County of Elgin as No. 33134 for St. Thomas, is declared to be a first lien, charge and encumbrance upon the real and personal property of the said A. E. Medcalf mentioned therein, until the said mortgage is fully paid and satisfied.

Mortgage
from A. E.
Medcalf, a
first charge
on his real
and personal
property.

(2) The said mortgage shall be filed in the office of the Clerk of the County Court of the County of Elgin within one month after the passing of this Act, but for all other purposes the provisions of *The Bills of Sale and Chattel Mortgage Act* shall apply thereto.

Power to
take mort-
gage from
Monarch
Knitting Co.
to secure
loan.

7. The said Municipal Corporation may take from The Monarch Knitting Company, Limited, as security for its said loan under the said By-law 1903, a mortgage upon all the real and personal property of the said Company situate in the City of St. Thomas, and the said mortgage when executed and registered in the Registry Office for the County of Elgin and filed in the office of the Clerk of the County Court of the County of Elgin shall be a first lien, charge and encumbrance upon all of the said property.

Power to
borrow
\$13,000 for
construction
of concrete
culvert and
permanent
roadway
over Mill
Creek.

8. For the purpose of providing for the cost of replacing Palm Street Bridge in the said City by constructing a concrete culvert and filling in the ravine over Mill Creek with earth, so as to make a permanent roadway over the said ravine, the Council of the City of St. Thomas may pass a By-law, in accordance with the provisions of *The Consolidated Municipal Act, 1903*, but without submitting the same to the ratepayers, to raise, by the issue of debentures, a sum not exceeding \$13,000, bearing interest at a rate not exceeding five per cent. per annum and payable within twenty years from the issue thereof.

Power to
borrow
\$30,000 for
cost of
distribution
plant for
electrical
power.

9. For the purpose of providing for the cost of the plant, machinery and equipment necessary for completing the installation of Hydro-Electric power from Niagara Falls, the Council of the City of St. Thomas may pass a By-law in accordance with the provisions of *The Consolidated Municipal Act, 1903*, but without submitting the same to the ratepayers, to raise, by the issue of debentures, a sum not exceeding \$30,000, bearing interest at a rate not exceeding five per cent. per annum and payable within thirty years from the issue thereof.

SCHEDULE "A."

BY-LAW No. 1862.

A By-law to grant a loan of \$10,000 to C. Norsworthy & Company and a fixed assessment of \$15,000, exclusive of school taxes for ten years, in consideration of their establishing a factory in St Thomas for the manufacture of furnaces, stoves and other articles.

Whereas Messrs. C. Norsworthy & Company have made a proposition to the Council of the City of St. Thomas to enlarge their present plant and in connection therewith to establish a factory for the manufacture of Furnaces, Heaters, Radiators, Gas and other stoves, and for such purpose to purchase additional lands, erect further buildings, and instal the necessary plant and machinery, and to employ and to keep employed in said Factory not less than fifty hands during the term of ten years from the commencement of operation of said Factory, in consideration of

being

being granted a loan of Ten Thousand Dollars without interest for ten years and a fixed Assessment, exclusive of School Taxes, for the term of ten years, such loan of Ten Thousand Dollars to be repayable as follows: One Thousand Dollars at the end of six years, One Thousand Dollars at the end of seven years, One Thousand Dollars at the end of eight years, One Thousand Dollars at the end of nine years, and Six Thousand Dollars at the end of ten years from the date of the advance;

And whereas it is expedient to grant the said Loan and other considerations to the said C. Norsworthy & Co., and for the purpose of providing the monies for said loan, it will be necessary to raise by way of loan upon the credit of the City of St. Thomas the sum of Ten Thousand Dollars and to issue debentures of the City of St. Thomas therefor;

And whereas the Municipal Council of the City of St. Thomas has resolved that the said debentures shall be payable as follows: \$1,000 in six years from the date of the issue thereof, \$1,000 in seven years from said date, \$1,000 in eight years from said date, \$1,000 in nine years from said date and \$6,000 in ten years from said date, with interest at the rate of four and one-half per cent. per annum payable yearly, and it will require the sum of \$450 to be raised yearly in each of the years 1910, 1911, 1912, 1913, 1914 and 1915, and the sum of \$405 in the year 1916, the sum of \$360 in the year 1917, the sum of \$315 in the year 1918 and the sum of \$270 in the year 1919 to pay the interest on the said debt and the respective debentures to be issued therefor, and also the sum of \$980.13 to be raised yearly in each of the years 1910, 1911, 1912, 1913, 1914 and 1915, and the sum of \$829.37 in the year 1916, and the sum of \$702.76 in the year 1917, and the sum of \$594.23 in the year 1918, and the sum of \$499.74 in the year 1919 to form a sinking fund for the payment of the debt to be created by this By-law and of the respective debentures to be issued hereunder, such last mentioned sums being sufficient with the estimated interest on the investment thereof to discharge the said debt and to pay the said debentures when and as the same become payable;

And whereas the whole rateable property of the City of St. Thomas according to the last revised assessment roll of the said City, being for the year 1909, is the sum of \$6,833,672.00;

And whereas the existing debenture debt of the City of St. Thomas is the sum of \$710,700.48, as against which the Corporation has on hand sinking funds to the amount of \$31,007.46, the above amount of debenture debt is exclusive of the sum of \$50,000 of debentures of The St. Thomas Street Railway Company which have been guaranteed by the Municipality and of \$42,000 of Debentures for Niagara Power which have not yet been issued and is exclusive also of Local Improvement debentures secured by special rates and assessments, which last mentioned debt amounts to the sum of \$161,540.67, all of which is guaranteed by the Municipality of the City of St. Thomas at large, and against which the Corporation has on hand sinking funds to the amount of \$1,471.33 and there is no sum in arrears either for principal or interest for or on account of the said debt;

Therefore the Corporation of the City of St. Thomas, by the Council thereof, enacts as follows:

1. It shall be lawful for the Mayor of the City of St. Thomas, for the purpose aforesaid, to borrow from any person or persons, body or bodies corporate who may be willing to advance the same upon the security of the debentures hereinafter mentioned the sum of Ten Thousand Dollars, and to issue debentures of the City of St. Thomas therefor, in sums of not less than one hundred dollars each, bearing interest at the rate of four and one-half per cent. per annum, payable in the manner, for the amounts and at the times hereinafter set forth.

2. The said debentures shall have coupons attached thereto for the interest, and as to principal and interest shall be payable at the office of the City Treasurer in the City of St. Thomas.

3. The said debentures shall be payable as follows: \$1,000 at the end of six years from the date of the issue thereof, \$1,000 at the end of seven years from said date, \$1,000 at the end of eight years from said date, \$1,000 at the end of nine years from said date, and \$6,000 at the end of ten years from said date, and the interest at the rate of four and one-half per cent, per annum on each and all of the said debentures shall be payable annually at the office of the City Treasurer in the City of St. Thomas.

4. During the ten years the currency of the debentures to be issued under the authority of this By-law the following sums shall be raised and levied for the payment of the interest on the said debentures, that is to say, in each of the years 1910, 1911, 1912, 1913, 1914 and 1915 the sum of \$450, in the year 1916 the sum of \$405, in the year 1917 the sum of \$360, in the year 1918 the sum of \$315, and in the year 1919 the sum of \$270; and during the same period the following sums shall be raised and levied for the purpose of forming a sinking fund for the payment of the said debentures, that is to say: in each of the years 1910, 1911, 1912, 1913, 1914 and 1915 the sum of \$980.13, in the year 1916 the sum of \$829.37, in the year 1917 the sum of \$702.76, in the year 1918 the sum of \$594.23, and in the year 1919 the sum of \$499.74, less such sums as may be received by the Corporation from the said C. Norsworthy & Company in any of the said years in repayment of the principal money of said loan.

5. It shall be lawful for the Mayor of the City of St. Thomas and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons thereto attached to be signed by the Treasurer of the City of St. Thomas, and the Clerk of the said City is hereby authorized and instructed to attach the seal of the said City to the said debentures.

6. A special rate on the dollar upon the assessed value of all the rateable property in the City of St. Thomas, over and above and in addition to all other rates and taxes, and which special rate shall be sufficient to produce in each year the sums above set forth and required to be raised in such year for payment of interest and for sinking fund, shall be annually levied and collected from the year 1910 to the year 1919 inclusive (less such sums as may be received by the Corporation from the Company in repayment of the principal money of said loan) unless the said debentures shall be sooner paid, for the purpose of paying the said debt and the interest thereon as hereinbefore specified.

7 All monies received by the Corporation from the said firm of C. Norsworthy and Company on account of the said loan shall forthwith after the receipt thereof be deposited in a special account in The Imperial Bank of Canada or such other chartered Bank as the Council may determine, and the monies standing at the credit of such special account or a sufficient part thereof at the time of settling the total annual rate and making up the collectors' roll for any year, shall be applied in or towards payment of the annual amount falling due in such year for principal and interest on account of the debentures issued to pay such loan, and the amount to be raised in such year shall be reduced to the extent of the sum so applied.

8. That for the purpose of assisting the said firm of C. Norsworthy and Company to add to their present shops and plant in the City of St. Thomas, a factory for the manufacture of furnaces, heaters, radiators, gas and other stoves, it shall be lawful for the Corporation of the said City to loan to the said C. Norsworthy and Company the sum of ten thousand dollars without interest for ten years, as hereinbefore set forth, the said loan to be repaid as follows: \$1,000

to be paid at the end of each of the sixth, seventh, eighth and ninth years and \$6,000 at the end of the tenth year after the making of the said loan, and also to grant the said firm a fixed assessment of \$15,000 on their lands, buildings, plant and machinery, including business assessment, for the term of ten years, but this shall not include school taxes or local improvement rates.

9. The said sum of ten thousand dollars shall not be paid over to the said firm until such time as the said firm have purchased for an addition to their present plant the land required, erected thereon the necessary buildings, and installed therein the requisite plant and machinery for the manufacture of furnaces, radiators, gas and other stoves, and until such works are in actual operation, and until they have entered into an agreement with the City to maintain and operate the said works with a daily average of not less than fifty hands for the term of ten years, and until they have given to the Council of the Corporation satisfactory security for the repayment of the said loan and for the performance of the said agreement on their part.

10. In case the said firm of C. Norsworthy and Company decide to turn their business into an incorporated Joint Stock Company for the purpose of better enabling them to establish and carry on the said factory, the said loan and fixed assessment may be granted to the said Company as successors of the said firm on such Company assuming the obligations of said firm contained in this By-law.

11. This by-law shall take effect on, from and after the date of the final passing thereof.

12. The debentures to be issued under the authority of this By-law shall be issued within two years from the final passing of this By-law and shall be paid within ten years from the date of the issuing of the same.

13. The votes of the ratepayers of the City of St. Thomas shall be taken on this By-law by the Deputy Returning Officers hereinafter named on Monday, the 18th day of April, A.D. 1910, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places:

First Ward—Being Polling Subdivision Number One, at Cox's Paint Shop, No. 169 Talbot Street, by John Merry as Deputy Returning Officer.

Second Ward—Being Polling Subdivision Number Two, at C. F. Maxwell's Office, No. 254 Talbot Street, by Charles F. Maxwell as Deputy Returning Officer.

Third Ward—Polling Subdivision Number Three, at Ursula Smith's house, No. 81 Scott Street, by Samuel Dubber as Deputy Returning Officer.

Polling Subdivision Number Four, at C. F. Maxwell, Jr.'s Office, No. 320 Talbot Street, by Frederick S. Lewis as Deputy Returning Officer.

Polling Subdivision Number Five, at Mrs. Clow's house, No. 116 Elgin Street, by Charles Laing as Deputy Returning Officer.

Fourth Ward—Polling Subdivision Number Six, at Barrett's Barber Shop, No. 588 Talbot Street, by James Kane as Deputy Returning Officer.

Polling

Polling Subdivision Number Seven, at Crack's store, No. 640 Talbot Street, by George W. Smiley as Deputy Returning Officer.

Polling Subdivision Number Eight, at Potticary's shop, No. 542 Talbot Street, by William Freeland as Deputy Returning Officer.

Polling Subdivision Number Nine, at Frederick J. Bowden's house, No. ½ Oliver Street, by Frederick J. Bowden as Deputy Returning Officer.

Fifth Ward—Polling Subdivision Number Ten, at Thompson's store, No. 717 Talbot Street, by William Nicoll as Deputy Returning Officer.

Polling Subdivision Number Eleven, at Thomas Hare's house, No. 827 Talbot Street, by A. R. MacDonald as Deputy Returning Officer.

Polling Subdivision Number Twelve, at Robinson's Barber Shop, No. 93 Ross Street, by Thomas T. Davis as Deputy Returning Officer.

Polling Subdivision Number Thirteen, at Thomas Ley's house, No. 219 Ross Street, by Thomas Ley as Deputy Returning Officer.

Sixth Ward—Being Polling Subdivision Number Fourteen, at Robert Kane's house, No. 7 Balaclava Street, by George Cockram as Deputy Returning Officer.

14. That on Saturday, the 16th day of April, A.D. 1910, at three o'clock in the afternoon, at the City Hall, the Mayor shall appoint by writing signed by him two persons to attend the final summing up of the votes by the City Clerk and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing this By-law.

15. The Clerk of the Municipality shall on Tuesday, the 19th day of April, A.D. 1910, at the hour of twelve o'clock noon, attend at the City Hall in the City of St. Thomas and sum up the number of votes given for and against this By-law.

Read a first and second time this 22nd day of March, A.D. 1910.

Read a third time and finally passed this 3rd day of May, A.D. 1910.

(Sgd.) W. B. DOHERTY,

City Clerk.

(Seal)

(Sgd.) FREDERICK GUEST,

Mayor.

SCHEDULE "B."

BY-LAW No. 1863.

A By-law to grant a loan of \$15,000 to A. E. Medcalf and a fixed assessment of \$5,000, exclusive of School Taxes, for a term of ten years, in consideration of his establishing a factory in St. Thomas for the manufacture of shoes.

Whereas A. E. Medcalf has made a proposition to the Council of the City of St. Thomas to establish a factory in the City for the manufacture of shoes, and for that purpose to acquire the lands, erect the necessary buildings and instal therein the requisite plant and machinery, and to employ and keep employed in said factory a daily average of not less than thirty-five hands during the term of twenty years, in consideration of being granted a loan of Fifteen thousand dollars payable as hereinafter set forth but without interest for three years, and a fixed assessment of \$5,000, exclusive of school taxes, for the term of ten years, such loan to be repayable as follows: the said A. E. Medcalf to pay all the interest on the said

loan

loan at the rate of four and one-half per cent. per annum, except for the first three years, and to repay the principal money in fifteen equal annual payments, the first of such payments to be made in six years from the making of the loan;

And whereas it is expedient to grant the said loan and other considerations to the said A. E. Medcalf, and for the purpose of providing the monies for the said loan it will be necessary to raise by way of loan upon the credit of the City of St. Thomas the sum of fifteen thousand dollars and to issue debentures of the City of St. Thomas therefor;

And whereas the Municipal Council of the City of St. Thomas has resolved that the said debentures shall be payable as follows, that is to say, in fifteen equal consecutive yearly payments of one thousand dollars each, the first of which payments shall become due and payable in six years from the date of the issue thereof and the last of which payments shall be due and payable in twenty years from said date, with interest at the rate of four and one-half per cent. per annum from the date of issue thereof payable yearly, and it will require the sum of \$675 to be raised yearly in each of the years 1910, 1911, 1912, 1913, 1914 and 1915, the sum of \$630 in the year 1916, the sum of \$585 in the year 1917, the sum of \$540 in the year 1918, the sum of \$495 in the year 1919, the sum of \$450 in the year 1920, the sum of \$405 in the year 1921, the sum of \$360 in the year 1922, the sum of \$315 in the year 1923, the sum of \$270 in the year 1924, the sum of \$225 in the year 1925, the sum of \$180 in the year 1926, the sum of \$135 in the year 1927, the sum of \$90 in the year 1928, and the sum of \$45 in the year 1929 to pay the interest on the said debt and the respective debentures to be issued therefor; and also the sum of \$1,065.85 to be raised yearly in each of the years 1910, 1911, 1912, 1913, 1914 and 1915 and the sum of \$915.09 in the year 1916, and the sum of \$788.48 in the year 1917, and the sum of \$679.95 in the year 1918, and the sum of \$585.46 in the year 1919, and the sum of \$502.17 in the year 1920, and the sum of \$428.02 in the year 1921, and the sum of \$361.47 in the year 1922, and the sum of \$301.33 in the year 1923, and the sum of \$246.66 in the year 1924, and the sum of \$196.72 in the year 1925, and the sum of \$150.90 in the year 1926, and the sum of \$108.71 in the year 1927, and the sum of \$69.72 in the year 1928, and the sum of \$33.58 in the year 1929, to form a sinking fund for the payment of the debt to be created by this By-law and of the respective debentures to be issued hereunder, such last mentioned sums being sufficient with the estimated interest on the investment thereof, to discharge the said debt and to pay the said debentures when and as the same become payable;

And whereas the whole rateable property of the City of St. Thomas, according to the last revised assessment roll of the said City, being for the year 1909, is the sum of \$6,833,672.00;

And whereas the existing debenture debt of the City of St. Thomas is the sum of \$710,700.48, as against which the Corporation has on hand sinking funds to the amount of \$31,007.46, the above amount of debenture debt is exclusive of the sum of \$50,000 of debentures of The St. Thomas Street Railway Company which have been guaranteed by the Municipality and of \$42,000 of debentures for Niagara Power which have not yet been issued, and is exclusive also of Local Improvement debentures secured by special rates and assessments, which last mentioned debt amounts to the sum of \$161,540.67, all of which is guaranteed by the Municipality of the City of St. Thomas at large and against which the Corporation has on hand sinking funds to the amount of \$1,471.38, and there is no sums in arrears either for principal or interest for or on account of the said debt;

Therefore the Corporation of the City of St. Thomas, by the Council thereof, enacts as follows:

1. It shall be lawful for the Mayor of the City of St. Thomas, for the purpose aforesaid, to borrow from any person or persons, body or bodies corporate, who may be willing to advance the same upon

the

the security of the debentures hereinafter mentioned, the sum of Fifteen Thousand Dollars and to issue debentures of the City of St. Thomas therefor, in sums of not less than one hundred dollars each, bearing interest at the rate of four and one-half per cent. per annum, payable in the manner, for the amounts and at the times hereinafter set forth.

2. The said debentures shall have coupons attached thereto for the interest and as to principal and interest shall be payable at the office of the City Treasurer in the City of St. Thomas.

3. The said debentures shall be payable as follows, that is to say, in fifteen equal consecutive yearly payments of one thousand dollars each, the first of which payments shall be due and payable at the end of six years from the date of the issue thereof and the last payment shall be due and payable at the end of twenty years from the date of such issue, and the interest at the rate of four and one-half per cent. per annum from the date of such issue on each and all of the said debentures shall be payable annually at the office of the City Treasurer in the City of St. Thomas.

4. During the twenty years the currency of the debentures to be issued under the authority of this By-law there shall be raised and levied for the payment of the interest on the said debentures the following sums, that is to say, in each of the years 1910, 1911, 1912, 1913, 1914 and 1915, the sum of \$675, in the year 1916 the sum of \$630, in the year 1917 the sum of \$585, in the year 1918 the sum of \$540, in the year 1919 the sum of \$495, in the year 1920 the sum of \$450, in the year 1921 the sum of \$405, in the year 1922 the sum of \$360, in the year 1923 the sum of \$315, in the year 1924 the sum of \$270, in the year 1925 the sum of \$225, in the year 1926 the sum of \$180, in the year 1927 the sum of \$135, in the year 1928 the sum of \$90, and in the year 1929 the sum of \$45; and during the same period the following sums shall be raised and levied for the purpose of forming a sinking fund for the payment of the said debentures, that is to say, in each of the years 1910, 1911, 1912, 1913, 1914 and 1915 the sum of \$1,065.85, in the year 1916 the sum of \$915.09, in the year 1917 the sum of \$788.48, in the year 1918 the sum of \$679.95, in the year 1919 the sum of \$585.46, in the year 1920 the sum of \$502.17, in the year 1921 the sum of \$428.02, in the year 1922 the sum of \$361.47, in the year 1923 the sum of \$301.33, in the year 1924 the sum of \$246.66, in the year 1925 the sum of \$196.72, in the year 1926 the sum of \$150.90, in the year 1927 the sum of \$108.71, in the year 1928 the sum of \$69.72, and in the year 1929 the sum of \$33.58, less such sums as may be received by the Corporation from the said A. E. Medcalf on account of principal in any of said years and on account of interest in any of the last seventeen years of said term in repayment of the said loan and the interest thereon.

5. It shall be lawful for the Mayor of the City of St. Thomas and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same and the interest coupons thereto attached to be signed by the Treasurer of the said City, and the Clerk of the said City is hereby authorized and instructed to attach the seal of the said City to the said debentures.

6. A special rate on the dollar upon the assessed value of all the rateable property in the City of St. Thomas over and above and in addition to all other rates and taxes, and which special rate shall be sufficient to produce in each year the sums above set forth and required to be raised in such year for payment of interest and for sinking fund, shall be annually levied and collected from the year 1910 to the year 1929 inclusive (less such sums as may be received by the Corporation from the said A. E. Medcalf in repayment of the said loan and the interest thereon) unless the said debentures shall be sooner paid, for the purpose of paying the said debt and the interest thereon as hereinbefore specified.

7. All monies received by the Corporation from the said A. E. Medcalf either for principal or interest on the said loan shall forthwith after the receipt thereof be deposited in a special account in The Imperial Bank of Canada or such other chartered Bank as the Council may determine, and the monies standing at the credit of such special account, or a sufficient part thereof at the time of settling the total annual rate and making up the collectors' roll for any year, shall be applied in or towards payment of the annual amount falling due in such year for interest or sinking fund on account of the debentures issued to pay said loan, and the amount to be raised in such year shall be reduced to the extent of the sum so applied.

8. That for the purpose of establishing a factory in the City of St. Thomas for the manufacture of shoes, it shall be lawful for the Corporation of the said City to grant to the said A. E. Medcalf a loan of Fifteen thousand dollars payable as hereinafter mentioned but without interest for three years, the said A. E. Medcalf to pay interest yearly on the said loan thereafter at the rate of four and one-half per cent. per annum till the whole sum is repaid, and to repay the principal money in fifteen equal consecutive yearly payments of \$1,000 each, the first payment of which shall become due and payable in six years from the making of the said loan, and also to grant the said A. E. Medcalf a fixed assessment of \$5,000 including Business Assessment but exclusive of school rates and Local Improvement rates on his said lands, buildings, plant and machinery.

9. The said sum of fifteen thousand dollars shall not be paid over to the said A. E. Medcalf until such time as he has acquired the necessary lands, erected suitable buildings and installed therein in the City of St. Thomas the requisite plant and machinery for the manufacture of shoes, and until the said factory is in actual operation, and until he has entered into an agreement with the City to maintain and operate the said factory with a daily average of not less than thirty-five hands during the term of twenty years, and until he has given to the Council of the Corporation satisfactory security for the repayment of the said loan and interest, and for the performance of the said agreement on his part, and the Council may withhold \$5,000 of said loan till the expiration of the first year of operation. Provided however that it shall be lawful for the said Council to advance to the said A. E. Medcalf on account of the said loan such sum or sums as they may deem expedient towards the cost of construction of the said building and the installation of new machinery during the construction and installation of the same.

10. This By-law shall take effect on from and after the date of the final passing thereof.

11. The debentures to be issued under the authority of this By-law shall be issued within two years from the final passing thereof, and shall be paid within twenty years from the date of such issue.

12. The votes of the ratepayers of the City of St. Thomas shall be taken on this By-law by the Deputy Returning Officers hereinafter named on Monday, the 18th day of April, A.D. 1910, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places:

First Ward—Being Polling Subdivision Number One, at Cox's Paint Shop, No. 169 Talbot Street, by John Merry as Deputy Returning Officer.

Second Ward—Being Polling Subdivision Number Two, at C. F. Maxwell's Office, No. 254 Talbot Street, by Charles F. Maxwell as Deputy Returning Officer.

Third

Third Ward—Polling Subdivision Number Three, at Ursula Smith's house, No. 81 Scott Street, by Samuel Dubber as Deputy Returning Officer.

Polling Subdivision Number Four, at C. F. Maxwell, Jr.'s, Office, No. 320 Talbot Street, by Frederick S. Lewis as Deputy Returning Officer.

Polling Subdivision Number Five, at Mrs. Clow's house, No. 116 Elgin Street, by Charles Laing as Deputy Returning Officer.

Fourth Ward—Polling Subdivision Number Six, at Barrett's Barber Shop, No. 533 Talbot Street, by James Kane as Deputy Returning Officer.

Polling Subdivision Number Seven, at Crack's Store, No. 640 Talbot Street, by George W. Smiley as Deputy Returning Officer.

Polling Subdivision Number Eight, at Potticary's Shop, No. 542 Talbot Street, by William Freeland as Deputy Returning Officer.

Polling Subdivision Number Nine, at Frederick J. Bowden's house, No. ½ Oliver Street, by Frederick J. Bowden as Deputy Returning Officer.

Fifth Ward—Polling Subdivision Number Ten, at Thompson's Store, No. 717 Talbot Street, by William Nicoll as Deputy Returning Officer.

Polling Subdivision Number Eleven, at Thomas Hare's house, No. 827 Talbot Street, by A. R. MacDonald as Deputy Returning Officer.

Polling Subdivision Number Twelve, at Robinson's Barber Shop, No. 93 Ross Street, by Thomas T. Davis as Deputy Returning Officer.

Polling Subdivision Number Thirteen, at Thomas Ley's house, No. 219 Ross Street, by Thomas Ley as Deputy Returning Officer.

Sixth Ward—Being Polling Subdivision Number Fourteen, at Robert Kane's house, No. 7 Balaclava Steet, by George Cockram as Deputy Returning Officer.

13. That on Saturday, the 16th day of April, A.D. 1910, at three o'clock in the afternoon at the City Hall, the Mayor shall appoint by writing signed by him two persons to attend the final summing up of the votes by the City Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing this By-law.

14. The Clerk of the Municipality shall on Tuesday, the 19th day of April, A.D. 1910, at the hour of twelve o'clock noon, attend at the City Hall in the City of St. Thomas, and sum up the number of votes given for and against this By-law.

Read a first and second time this 22nd day of March, A.D. 1910.

Read a third time and finally passed this 3rd day of May, A.D. 1910.

(Sgd.) W. B. DOHERTY,
City Clerk.

(Sgd.) FREDERICK GUEST,
Mayor.

(Seal.)

SCHEDULE "C."

BY-LAW No. 1903.

A By-law to grant a Loan of \$30,000 and a fixed assessment for 10 years of \$10,000 to The Monarch Knitting Company, Limited, in consideration of establishing a Knitting Factory in the City of St. Thomas.

Whereas The Monarch Knitting Company, Limited, have made a proposition to the Council of the City of St. Thomas to establish a Factory for the Manufacture of Knitted Goods in the said City, and for such purpose to purchase lands, erect thereon a three story brick building about 190 feet long and 50 feet wide, consisting of three

stories

stories and a basement, at a cost of not less than \$30,000, instal therein the necessary plant and machinery for the manufacture of Knitted Goods, and to maintain and operate the said Factory with a daily average of not less than 100 hands during each year for the term of ten years from the date of commencement of operation, in consideration of being granted a loan of \$30,000 repayable in five equal annual instalments without interest, and a fixed assessment for ten years on the said lands, buildings, plant and machinery and all additions thereto, including Business Assessment of \$10,000 exclusive of School-Rates and Local Improvement Rates;

And whereas it is expedient to grant the said Loan and fixed Assessment to the said Company, and for the purpose of providing the money for the said loan it will be necessary to borrow upon the credit of the City of St. Thomas the Sum of \$30,000 and to issue debentures of the said City therefor, and which is the amount of the debt intended to be created by this By-law;

And whereas the Municipal Council of the City of St. Thomas has resolved that the said debentures shall be payable in five equal annual instalments with interest at a rate not exceeding five per cent. per annum, so that the said instalment shall be such that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of five years;

And whereas it will be necessary to raise annually by a special rate sufficient therefor on all the rateable property in the said Municipality during the said term of five years the currency of the debentures to be issued under this By-law the sum of \$6,929.24 for the payment of the said debt and interest;

And whereas the whole rateable property of the City of St. Thomas according to the last revised Assessment Roll of the said City, being for the year 1910, is the Sum of \$7,357,021.00;

And whereas the existing debenture Debt of the City of St. Thomas is the Sum of \$734,638.28 as against which the Corporation has on hand sinking Funds to the amount of \$32,350.74. The above debentures of The St. Thomas Street Railway Company which have been guaranteed by the Municipality, and is exclusive also of debentures to the amount of \$42,000.00 for Waterworks purposes and of \$15,000 by way of loan to A. E. Medcalf and of \$10,000 by way of loan to C. Norsworthy & Company, none of which have yet been issued, and is exclusive also of Local Improvement Debentures, secured by special rates and assessments which last mentioned debt amounts to the Sum of \$136,338.74 all of which is guaranteed by the Municipality at large and against which the Corporation has on hand sinking funds to the amount of \$3,049.91. And there is no sum in arrears either for principal or interest for or on account of the said debt;

Therefore the Corporation of the City of St. Thomas by the Council thereof enacts as follows:—

1. It shall be lawful for the Mayor of the City of St. Thomas for the purpose aforesaid to borrow from any person or persons, body or bodies corporate, who may be willing to advance the same, upon the security of the debentures hereinafter mentioned, the sum of \$30,000, and to issue debentures of the City of St. Thomas therefor, in Sums of not less than one hundred Dollars each, bearing interest at a rate not exceeding five per cent. per annum payable in the manner, for the amounts, and at the times hereinafter set forth.

2. The said debentures shall have coupons attached thereto for the interest, and as to principal and interest shall be payable at the office of the City Treasurer in the City of St. Thomas, on the first day of May in each year.

3. The said debentures shall be payable in annual instalments within five years of the date of the issue thereof, at the office of the City Treasurer in the City of St. Thomas, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year, shall be equal as nearly as may be, to

what

what is payable for principal and interest during each of the other years during such period of five years as is hereinafter particularly set forth.

4. The said debentures shall bear interest at a rate not exceeding five per cent. per annum from the date of the issue thereof, which said interest shall be payable on the first day of May in each and every year during the currency of said debentures or any of them, the first of such payments to be made on the first day of May, A.D. 1912.

5. It shall be lawful for the Mayor of the City of St. Thomas and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons thereto attached to be signed by the Treasurer of the City of St. Thomas, and the Clerk of the said City is hereby authorized and instructed to attach the seal of the said City to the said debentures.

6. There shall be raised and levied in each and every year for five years, the currency of the said debentures to be issued under the authority of this By-law by a special rate sufficient therefor on all the rateable property in the City of St. Thomas over and above and in addition to all other rates and taxes, a sum sufficient to meet the yearly instalments of principal and interest accruing due on the said debt as the same become respectively payable in the years hereinafter mentioned, and the sum so to be raised and levied for the payment of the said principal and interest in each year during the said period, shall not exceed the sum herein set forth in each year.

Year.	Principal.	Interest.	Total.
1911.....	\$5,429.24	\$1,900.00	\$6,929.24
1912.....	5,700.71	1,228.53	6,929.24
1913.....	5,985.74	943.50	6,929.24
1914.....	6,285.03	654.21	6,929.24
1915.....	6,599.28	329.96	6,929.24

7. A special rate on the dollar upon the assessed value of all the rateable property in the City of St. Thomas over and above and in addition to all other rates and taxes and which special rate shall be sufficient to produce in each year the sum required to meet the annual instalment of principal and interest accruing due on the said debentures, but not exceeding in any year the sum of \$6,929.24, shall be annually levied and collected from the year 1911 to the year 1915, inclusive (less such sums as may be received by the Corporation from the Company in repayment of the principal money of said loan) unless the debentures shall be sooner paid, for the purpose of paying the said debt and the interest thereon as hereinbefore specified.

8. All monies received by the Corporation from the said Company on account of the said loan, shall forthwith after the receipt thereof be deposited in a special account in The Imperial Bank of Canada or such other chartered bank as the Council may determine, and the monies standing at the credit of such special account or a sufficient part thereof at the time of settling the total annual rate and making up the Collector's Roll for any year shall be applied in or towards payment of the annual amount falling due in such year for principal and interest on account of the debentures issued to pay such loan, and the amount to be raised in such year shall be reduced to the extent of the sum so applied.

9. That for the purpose of establishing in St. Thomas a factory for the manufacture of Knitted Goods, it shall be lawful for the Corporation of the City of St. Thomas to grant to the said The Monarch Knitting Company, Limited, a loan of thirty thousand dollars payable without interest in five equal annual payments of \$6,000 each, the first of which instalments shall become due and payable in one year, from the making of the said loan and also to grant the said Company a fixed assessment of \$10,000 on its lands, buildings, plant

and

and machinery, and all additions thereto, and including Business Assessment but exclusive of School Taxes and Local Improvement rates for the term of ten years from the commencement of operation of the said factory.

10. The said Sum of Thirty Thousand Dollars shall not be paid over to the said Company until such time as it has purchased the necessary lands, erected thereon a three story Brick Building with basement about 190 feet long by 50 feet wide at a cost of not less than \$30,000 and installed therein, the proper, and requisite plant and machinery for the manufacture of Knitted Goods, and until the said factory is in actual operation and until it has entered into an agreement with the Council of the City of St. Thomas to maintain and operate the said factory with a daily average of not less than 100 hands each year for a period of ten years and until it has given security satisfactory to the Council for the repayment of the said loan and the performance of said agreement on its part.

11. This By-law shall take effect on, from and after the date of the final passing thereof.

12. The debentures to be issued under the authority of this By-law shall be issued within two years from the final passing thereof, and shall be paid within five years from the date of such issue.

13. The votes of the ratepayers of the City of St. Thomas shall be taken on this By-law by the deputy returning officers hereinafter named, on Monday the 7th day of November, A.D. 1910, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places:—

First Ward.—Being Polling Subdivision Number One, at Cox's Paint Shop, No. 169 Talbot Street, by John Merry as deputy returning officer.

Second Ward.—Being Polling Subdivision Number Two, at C. F. Maxwell's Office, No. 254 Talbot Street, by Charles F. Maxwell as deputy returning officer.

Third Ward.—Being Polling Subdivision Number Three, at Ursula Smith's house, No. 81 Scott Street, by Samuel Dubber as deputy returning officer.

Polling Subdivision Number Four, at C. F. Maxwell, Jr.'s Office, No. 320 Talbot Street, by Frederick S. Lewis as deputy returning officer.

Polling Subdivision Number Five, at Mrs. Clow's house, No. 116 Elgin Street, by Charles Laing as deputy returning officer.

Fourth Ward.—Polling Subdivision Number Six, at Barrett's Barber Shop, No. 533 Talbot Street, by James Kane as deputy returning officer.

Polling Subdivision Number Seven, at Crack's Store, No. 650 Talbot Street, by John Thompson as deputy returning officer.

Polling Subdivision Number Eight, at Bourne's Shop, No. 542 Talbot Street, by William Freeland as deputy returning officer.

Polling Subdivision Number Nine, at Frederick J. Bowden's House, No. ½ Oliver Street, by Frederick J. Bowden as deputy returning officer.

Fifth Ward.—Polling Subdivision Number Ten, at Thompson's Store, No. 717 Talbot Street, by William Nicoll as deputy returning officer.

Polling Subdivision Number Eleven, at Thomas Hare's House, No. 827 Talbot Street, by A. R. Macdonald as deputy returning officer.

Polling Subdivision Number Twelve, at Anderson's barber shop, No. 93 Ross Street, by Thomas T. Davis as deputy returning officer.

Polling Subdivision Number Thirteen, at Thomas Ley's house, No. 219 Ross Street, by Thomas Ley as deputy returning officer.

Sixth Ward.—Polling Subdivision Number Fourteen, at William Heard's Barber Shop, No. 917 Talbot Street, by George Cockram as deputy returning officer.

14. That on Saturday the 5th day of November, A.D. 1910, at three o'clock in the afternoon, at the City Hall, the Mayor shall appoint, by writing signed by him, two persons to attend the final summing up of the votes by the City Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing this By-law.

15. The Clerk of the Municipality shall, on Tuesday, the 8th day of November, A.D. 1910, at the hour of twelve o'clock noon, attend at the City Hall, in the City of St. Thomas, and sum up the number of votes given for and against this By-law.

Read a first and second time this 14th day of October, A.D. 1910.

Read a third time and finally passed this 6th day of December, A.D. 1910.

(Sgd.) W. B. DOHERTY,
City Clerk
(Seal.)

(Sgd.) FREDERICK GUEST,
Mayor.

CHAPTER 116.

An Act respecting the Boards of Public and Separate School Trustees of the Town of Sturgeon Falls.

*Assented to 24th March, 1911.***W**HEREAS the Board of Public School Trustees for Preamble.

School Section No. 1 of the Town of Sturgeon Falls have, by Petition, represented that in and by a certain Memorandum of Agreement, dated the 22nd day of June, 1898, and purporting to be made between the Board of Public School Trustees for School Section No. 1 of the said Town and the Board of Separate School Trustees for the said School Section, certain arrangements were made for the division between the said Boards of the taxes paid by the Sturgeon Falls Pulp Company, for school purposes, which said Agreement was confirmed and ratified by an Act passed in the 4th year of His late Majesty's reign, Chaptered 69; and whereas it is further represented in the said Petition that serious differences arose between the said School Boards with regard to the carrying out of the terms of the said Agreement, and that Arbitration proceedings thereupon took place, as provided for in the said Act, and that subsequent to the said Arbitration proceedings a new Agreement was entered into between the said School Boards, replacing the said Agreement of the 22nd of June, 1898, which said subsequent Agreement was dated the 22nd of March, 1910; and whereas the said Board of Public School Trustees have prayed that an Act may be passed to confirm and legalize the said Agreement of the 22nd of March, 1910, and to carry out the true intent and meaning thereof, and that the said Act should be repealed;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 4th year of His late Majesty's 4 Edw. VII. c. 69. repealed. reign, Chaptered 69, intituled *An Act Respecting the Separate Schools in the Town of Sturgeon Falls*, is repealed, and the said Agreement of the 22nd day of June, 1898, is declared to be void and of no effect.

Agreement
between
Public and
Separate
School
Boards
confirmed.

2. The said Agreement, dated the 22nd day of March, 1910, made between the Board of Public School Trustees for School Section No. 1 of the Town of Sturgeon Falls of the first part, the Board of Separate School Trustees for School Section No. 1 of the said Town of the Second Part, and the Corporation of the Town of Sturgeon Falls of the Third Part, set out as Schedule "A" hereto, is confirmed and declared to be and to have been, from the date of the execution thereof, legal, valid and binding upon the parties thereto, and upon their respective successors in office, and upon the ratepayers of the Town of Sturgeon Falls.

SCHEDULE "A."

This Indenture, made in triplicate this 22nd day of March, A.D. 1910.

BETWEEN—

The Board of Public School Trustees for School Section No. 1 of the Town of Sturgeon Falls, in the District of Nipissing (hereinafter called the "Public Board"), of the First Part;

The Board of Separate School Trustees for School Section No. 1 of the said Town of Sturgeon Falls (hereinafter called the "Separate Board") of the Second Part;

—and—

The Corporation of the Town of Sturgeon Falls (hereinafter called the "Town"), of the Third Part.

WHEREAS on or about the 22nd day of June, 1898, a certain Agreement was made between the two said Boards, whereby it was agreed to divide between them equally the School Taxes collected from the Sturgeon Falls Pulp Company for the period of time and under the circumstances particularly set forth in the said Agreement, which is printed as a schedule to the Act hereinafter set forth;

And whereas an Act of the Legislature of the Province of Ontario, being Chap. 69 of the Statutes passed in the fourth year of the reign of His Majesty King Edward the Seventh, was passed, confirming and legalizing the said Agreement;

And whereas under and by virtue of the said Act an arbitration was held between the two said Boards, and His Honor Judge Valin, the Judge of the District Court of the provisional judicial District of Nipissing, mentioned in the said Act, on or about the 9th day of September, 1909, made an award, whereby the amount of one thousand one hundred and ninety-seven dollars and sixty-seven cents (\$1,197.67) was found to be due to the Separate Board by the Public Board, and the same was directed to be paid in sixty days from the date of the said award;

And whereas the Town claimed the right to pay to the Separate Board the said sum of one thousand one hundred and ninety-seven dollars and sixty-seven cents (\$1,197.67), and to charge the amount of the same to the account of the Public Board school tax levy of the year 1908;

And whereas thereafter litigation ensued and it has been agreed by and between the said parties hereto that the questions between them relating to the Agreement, the Act and the arbitration hereinabove set forth—be settled in manner following, that is to say,—

1. The Public Board agrees that the said sum of one thousand and one hundred and ninety-seven dollars and sixty-seven cents (\$1,197.67) claimed to have been paid by the Town to the Separate Board stands as a good and valid payment to it in full of the said amount, and that the same be charged against the moneys of the Public School Board that were due to it by the Town.

2. The Public Board agrees to pay to the Separate Board, and the Separate Board agrees to accept from the Public Board, a further sum of seven hundred dollars (\$700.00) (to be paid as hereinafter mentioned), in full and complete settlement of all and every claim in the past, present or future which the said Boards have had, have now or may have against each other under and by virtue of the said Agreement of the Twenty-second day of June, 1898, or the said Act, being Chap. 69 of 4 Ed. VII., and the said award, bearing date the Ninth day of September, 1909;

3. The Town agrees to pay, forthwith, on behalf of the Public Board, the sum of seven hundred dollars (\$700.00) to the Separate Board, pending the collection of the yearly taxes, the same to be charged to the Tax Account of the Public Board due to it from the Town from time to time as hereinafter set forth in clause (4).

4. The said sum of seven hundred dollars (\$700.00) is to be repaid to the Town by the Public Board, in three annual, equal, successive instalments of two hundred and thirty-three dollars and thirty-three cents (\$233.33), each upon the Fifteenth (15th) day of December, in the years 1910, 1911 and 1912, with interest on the said principal sum of seven hundred dollars (\$700.00) or the unpaid balance thereof, at the rate of six per cent. per annum, to be computed from the day of the date hereof, to be due and payable with each of the said instalments.

5. The costs of the said Arbitrator and of the said Award shall be paid by the said Public Board and Separate Board in equal shares, and each of the said Boards shall otherwise bear its own costs of the said Arbitration.

6. Each of the said parties hereto shall bear its own costs of the said litigation, and shall agree to orders being issued dismissing the two actions, which have been brought, without costs.

7. These presents and the moneys payable hereunder are to be taken as a full settlement of all the rights of the said Boards as between themselves under the said Agreement, Act and Award; and the Public Board is to have the free and absolute right to all arrears of taxes now due and all future taxes due and payable by the said Pulp Mill mentioned in the said Agreement to the same extent and in as full and ample a manner as it would have had if the said Agreement had not been executed and the said Act had not been passed and the said Award had not been made. And the two said Boards hereby release each other from all rights or liabilities under the said Agreement, Act and Award.

8. The Public Board may, if they think it proper, apply at their own expense to the Legislature of the Province of Ontario at the next Session thereof for an Act to repeal the said Act, being Chap. 69 of 4 Ed. VII., and to confirm and validate these presents and the Separate Board hereby agrees not to oppose such application or such Act if obtained.

In

In witness whereof the said parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED

In the presence of

(Sgd.) A. W. SMITH, for L. E. BOLSTER
and W. C. PARLIAMENT

(Sgd.) L. E. BOLSTER,
Chairman P. S. B.
(Seal)

(Sgd.) W. C. PARLIAMENT,
Sec.-Treas. P. S. B.

(Sgd.) J. E. SEIRE,
Chairman S. S. B.
(Seal)

(Sgd.) H. A. AITKIN.

(Sgd.) E. H. DUMOUCHELLE,
Sec.-Treas. S. S. B.

(Sgd.) N. H. COCKBURN,
to Signatures
Z. MAGEAU and
J. D. COCKBURN.

(Sgd.) Z. MAGEAU,
Acting Mayor.
(Seal)

(Sgd.) J. D. COCKBURN,
Town Clerk.

CHAPTER 117.

An Act to confirm By-law No. 282 of the Town of Sturgeon Falls.

Assented to 24th March, 1911.

WHEREAS the Corporation of the Town of Sturgeon Falls during the years 1905, 1906, 1907 and 1908 expended the sum of twenty thousand dollars over and above the amount levied throughout the said years in the extension of sewers, sidewalks, waterworks and other public improvements of a permanent and necessary nature, and the said Corporation have passed By-law Number 282 for the purpose of raising the said sum of twenty thousand dollars to pay the indebtedness incurred in carrying out the said improvements, and it is desirable that such By-law be confirmed; and whereas the whole rateable property of the Town of Sturgeon Falls, according to the last revised assessment roll, amounted to the sum of \$1,202,240.00, being for the year 1910, and the amount of the existing debenture debt of the said Municipality amounts to the sum of \$118,443.35, of which no part either of interest or principal is in arrear; and whereas the Corporation has prayed that an Act may be passed to confirm and validate such By-law; and whereas it is deemed expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 282 of the said Corporation of the Town of Sturgeon Falls set out in schedule "A" hereto, and all debentures issued or to be issued thereunder, and all rates and assessments levied or to be levied for the payment thereof are confirmed and declared to be legal, valid and binding.

By-law
No. 282, of
town of
Sturgeon
Falls
confirmed.

SCHEDULE "A."

BY-LAW No. 282.

By-law No. 282 of the Town of Sturgeon Falls, to provide for the issue of debentures of the Town of Sturgeon Falls for the sum of \$20,000.00 required by the said Town of Sturgeon Falls.

Whereas the Town of Sturgeon Falls, during the years 1905-6-7 and 1908, expended the sum of \$20,000.00 over and above the amount levied throughout the said years, incurred in the extension of sewers, sidewalks, waterworks and other public improvements of a permanent and necessary nature:

And whereas by reason of such expenditure and payments the account of the said Town of Sturgeon Falls with the Traders Bank of Canada is now heavily overdrawn:

And whereas the Council of the Town of Sturgeon Falls deem it expedient to issue debentures for the sum of \$20,000.00 to provide moneys for the payment of the amounts as above mentioned:

And whereas it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of thirty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be, as nearly as possible, equal to the amount so payable in each of the other years of said period:

And whereas the total amount required by the Municipality to be raised annually by special rate for paying the said debt and interest as hereinbefore provided is \$1,452.98:

And whereas the amount of the whole rateable property of the Town of Sturgeon Falls, according to the last revised assessment roll, is \$1,202,240.00, being for the year 1910:

And whereas the amount of the existing debenture debt of the said Municipality is \$118,433.35, of which no part either of interest or principal is in arrear:

Now therefore the Municipal Corporation of the Town of Sturgeon Falls enacts as follows:

1. That for the purpose of paying said debentures of \$20,000.00 it shall be lawful for the said Corporation to borrow the sum of \$20,000.00, and to cause the sum of any number of debentures of said Corporation of the said Town of Sturgeon Falls to be made and issued, not exceeding the sum of \$20,000.00, in sums of not less than \$100.00 each, which debentures shall have coupons attached thereto for the payment of interest, and all moneys to be so raised shall be applied and expended for the purpose aforesaid, and in no other way and for no other purpose.

2. The said debentures shall bear interest at the rate of 6 per cent. per annum, payable yearly as to both principal and interest, and may be payable at the Traders Bank of Canada in the Town of Sturgeon Falls, or at the Head Office of the said the Traders Bank of Canada.

3. The Mayor of the said Corporation of the Town of Sturgeon Falls shall sign and issue the said debentures and coupons, and cause the same to be signed by the Treasurer of said Corporation, and the Clerk of the said Corporation is hereby authorized and instructed to attach the corporate seal of the Municipality to said debentures.

4. The said debentures shall be dated and issued all at one time and within two years from the date of passing this by-law, and shall be payable in thirty instalments during the thirty years next after the issue of the same, and the respective amounts of principal and interest during each of the said years, and be as follows:—

	Interest.	Principal.	Total yearly.
1 Year	\$1,200 00	\$252 98	\$1,452 98
2 "	1,184 82	268 16	1,452 98
3 "	1,168 73	284 25	1,452 98
4 "	1,151 68	301 30	1,452 98
5 "	1,133 00	319 38	1,452 98
6 "	1,114 44	338 54	1,452 98
7 "	1,094 12	358 86	1,452 98
8 "	1,072 59	380 39	1,452 98
9 "	1,049 78	403 20	1,452 98
10 "	1,025 58	427 40	1,452 98
11 "	999 93	453 05	1,452 98
12 "	972 76	480 22	1,452 98
13 "	943 94	509 04	1,452 98
14 "	913 40	539 58	1,452 98
15 "	881 03	571 95	1,452 98
16 "	846 71	606 27	1,452 98
17 "	810 32	642 66	1,452 98
18 "	771 77	681 21	1,452 98
19 "	730 90	722 08	1,452 98
20 "	687 57	765 41	1,452 98
21 "	641 64	811 34	1,452 98
22 "	592 96	860 02	1,452 98
23 "	541 36	911 62	1,452 98
24 "	486 66	966 32	1,452 98
25 "	428 69	1,024 29	1,452 98
26 "	367 23	1,085 75	1,452 98
27 "	302 09	1,150 89	1,452 98
28 "	233 03	1,219 95	1,452 98
29 "	159 83	1,293 15	1,452 98
30 "	82 24	1,370 74	1,452 98
			<hr/>
			\$20,000 00

(5) That for the purpose of paying the said instalments of principal and interest as the same falls due respectively during the said thirty years of the currency of debentures to be issued under this By-law, the sum of \$1,452.98 shall be levied and raised annually by a rate sufficient therefor on all the rateable property of the said municipality.

(6) Application shall be made by the said Corporation of the Town of Sturgeon Falls to the Legislature of the Province of Ontario for an Act to confirm this by-law, and on such legislation being obtained this by-law shall come into effect.

(7) The votes of the duly qualified electors of the said Municipality of the Town of Sturgeon Falls shall be taken on this by-law on Monday the sixth day of February, 1911, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the following places in the said Town and by the following Deputy-Returning officers. That is to say: (a) In and for Polling Sub-Division No. 1, embracing all that part of Sturgeon Falls known as Michaud Ward at Eugene Gauthier's house by Eugene Gauthier, Deputy-Returning Officer. (b) In and for Polling Sub-Division No. 2, embracing all that part of Sturgeon Falls known as Holdrich Ward, at the Council Chamber by Chas. F. Gibson, Deputy-Returning Officer. (c) In and for Polling Sub-Division No. 3, embracing all that part of Sturgeon Falls known as Cockburn Ward, at V. Belanger's house, by Fred Cartier, Deputy-Returning Officer.

(8) On Saturday, the 4th day of February, 1911, in the Council Chamber in the Town of Sturgeon Falls, at 11 o'clock in the forenoon, the Mayor of the said Town shall in writing signed by him,

appoint

appoint one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number of persons to attend on behalf of those interested in opposing the passing of this by-law and two persons to attend to the final summing up of the votes by the Clerk of the Municipality on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law.

(9) The 7th day of February, 1911, at the Council Chamber aforesaid at 12 o'clock noon is hereby appointed for the summing up by the clerk of this Corporation of the number of votes given for and against this by-law respectively.

Passed the first and second readings this 16th day of January, 1911.

Read a third time and finally passed in open Council this day of 1911.

CHAPTER 118.

An Act to Confirm By-law No. 237 of the Town
of Sudbury.*Assented to 24th March, 1911.*

WHEREAS the Town of Sudbury has by petition represented that the construction of the local improvements provided for in By-law No. 237 of the said Corporation, a copy of which is hereto set out as Schedule "A," part of the cost of which was to be paid by the municipality, was undertaken and the said By-law was passed by the Council of the said Town pursuant to the powers conferred upon the Council by sections 677 and 678 of *The Consolidated Municipal Act, 1903*, and amendments thereto, as works which in the opinion of two-thirds of the members of the Council were desirable in the public interest, but that by inadvertence no resolution was passed setting forth the opinion of the Council, and three-fourths of all the members of the said Council were not present at the said meeting at which the said By-law was passed and that by reason thereof doubts have arisen as to the validity of the said By-law. That the construction of the sidewalks provided for in the said By-law as local improvements was in fact in the opinion of two-thirds of all the members of the said Council desirable in the public interest. That the said sidewalks have been constructed and paid for out of moneys borrowed by way of temporary loans. That a large part of the rates imposed by the said By-law falling due in the year 1910 have been collected. That by reason of the doubts as to the validity of the said By-law the said Corporation have been unable to sell the debentures thereby authorized to be issued and are unable to pay off the said temporary loans. And the said Council has by its said petition prayed that an Act may be passed legalizing and confirming the said By-law and the rates thereby imposed, including the rates levied and collected in the year 1910 and all debentures issued or to be issued thereunder, and it is expedient to grant the prayer of the said petition.

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**By-law
No. 237
of Town
of Sudbury
confirmed.**

1. By-law 237 of the Corporation of the Town of Sudbury set out as Schedule "A" hereto is confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof. The rates imposed by the said By-law for the payment of the debt authorized by the said By-law and the interest thereon, including the rates imposed, levied and collected in the year 1910, are also confirmed and declared to be valid and binding upon the lands referred to in the said By-law.

**Debentures
confirmed.**

2. All debentures issued or to be issued or purporting to be issued under the said By-law No. 237 are confirmed and declared to be valid and binding upon the Corporation of the Town of Sudbury and it shall not be necessary for the purchasers of such debentures to inquire into the validity of the proceedings relating to the issue of the same.

SCHEDULE "A."

BY-LAW NUMBER 237.

A By-law relating to the construction of certain granolithic walks in the Town of Sudbury, and to authorize the issue of debentures for the sum of \$3,795.48 to pay for the same.

Whereas in the opinion of the Council of the Corporation of the Town of Sudbury, it became desirable and necessary to construct the following granolithic walks, namely:

1. The South side of Cedar Street East of Drinkwater Street, having a frontage of sixty-four feet opposite the property of Dr. W. H. Mulligan, one hundred feet opposite the property of A. Fournier and ninety-eight feet opposite the property of Mrs. Burd.

2. The West side of Young Street from Elm Street to Larch Street.

3. Cedar Street opposite Lots 86, 87 and 88.

4. The North side of Elm Street from Lansdowne Street to Dufferin Street.

5. The East side of Young Street from Larch Street to the lane in the rear of Lot Number 65 Larch Street.

6. The North side of Elm Street across the right-of-way of the Canadian Pacific Railway from Monk Street to Dufferin Street.

7. The South side of Elm Street from Elgin Street to the freight sheds.

8. The North side of Elm Street opposite Lots 158 and 159 Elm Street.

9. The East side of Elgin Street opposite Lot 190 Beech Street as a local improvement.

And whereas the said sidewalks have been constructed and the total cost thereof is the sum of \$3,795.48, which is the amount of the debt intended to be created by this By-law of which the sum of \$1,917.89 is assessed upon the property fronting or abutting the

said

said sidewalks as set forth in the schedule hereunto annexed and marked "A" and the sum of \$1,877.59 is the Municipality's share of the cost.

And whereas the said sum of \$3,795.48 has been raised by way of temporary loan and the said sidewalks paid for.

And whereas it is desirable to consolidate the several amounts and issue the debentures in one consecutive issue.

And whereas the value of the whole rateable property of the said Municipality, according to the last revised assessment roll is the sum of \$1,681,374.00.

And whereas the amount of the existing debenture debt of the said Municipality is the sum of \$152,985.59 (and in addition a By-law has been passed to issue \$25,000 in debentures but same have not yet been issued, and a by-law has this day been passed to issue \$4,502.68 in debentures) and no part of either principal or interest is in arrears.

And whereas the said sum of \$1,917.89, part of the debt to be created under this by-law, is created on the security of the special rates settled by the By-law, and is further guaranteed by the Municipality at large.

And whereas it is desirable to make the principal of the said debt repayable by annual instalments during a period of ten years, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

And whereas it will be necessary to raise annually in each year for the period of ten years during the currency of the debentures to be issued under this By-law the sum of \$491.52 for paying the several instalments of principal and interest, such annual sum to be made up as follows, for the purpose of paying the said sum of \$1,917.89 assessed on the said real property and the interest thereon, it will be necessary to raise annually for the said term of ten years the sum of \$248.35 and for the purpose of paying the said sum of \$1,877.59 payable by the said Municipality and interest it will be necessary to raise annually the sum of \$242.17 for the said term of ten years.

Therefore the Municipal Council of the Corporation of the Town of Sudbury enacts as follows:

1. That for the purposes aforesaid it shall be lawful for the Corporation to borrow on the security of the special rates hereby imposed, and of the guarantee of the Municipality the sum of \$3,795.48 and for that purpose to issue debentures of the Corporation of the Town of Sudbury for the sum of \$3,795.48 which said debentures shall have coupons attached thereto for the payment of interest and that the moneys so to be raised shall be applied and expended in paying off and discharging the temporary loans heretofore obtained for the construction of the said sidewalks and in no other way and to no other purpose.

2. The said debentures shall bear interest at the rate of five per cent. per annum payable yearly, and as to both principal and interest shall be payable at the Traders Bank in the Town of Sudbury and shall be dated the 21st day of December, 1909.

3. The Mayor of the said Municipality shall sign and issue the said debentures and coupons and cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the said

Municipality

Municipality is hereby authorized and instructed to attach the corporate seal of the said Municipality to the said debentures.

4. The said debentures shall be payable in ten annual instalments and the respective amounts of principal and interest payable during each of the said years shall be as follows:

Date of Payment.	Principal.	Interest.	Total.
1. Dec. 1, 1910	\$301.75	\$189.77	\$491.52
2. Dec. 1, 1911	316.92	174.86	491.52
3. Dec. 1, 1912	332.68	158.84	491.52
4. Dec. 1, 1913	349.32	142.20	491.52
5. Dec. 1, 1914	366.79	124.74	491.52
6. Dec. 1, 1915	385.12	106.40	491.52
7. Dec. 1, 1916	404.38	87.14	491.52
8. Dec. 1, 1917	424.61	66.91	491.52
9. Dec. 1, 1918	445.84	45.68	491.52
10. Dec. 1, 1919	468.14	23.38	491.52

5. That for the purpose of paying the said instalments of principal and interest as the same become due respectively during ten years the currency of the debentures to be issued under the By-law the sum of \$491.52 shall be raised annually as follows: The sum of \$248.35 shall be raised annually for the payment of that part of the debt and interest assessed upon the property fronting or abutting the said sidewalks, and for that purpose the special rates set forth in the schedule hereto annexed, which is hereby declared to form part of the By-law, are hereby imposed on the real property of the rate-payers mentioned and described therein above all other rates and taxes, which special rates are sufficient to produce in each year the said sum of \$248.35, and shall be annually inserted in the collector's rolls of the said Municipality, and shall be payable to and collected by him in the same manner as other rates on the said rolls. And the further sum of \$242.17 shall be raised annually for the payment of that part of the said debt and interest to be paid by the Municipality, which said sum shall be levied and raised annually by a special rate sufficient therefor and above all other rates on all the rateable properties of the said Municipality at the same time and in the same manner as all other rates.

6. That the debt to be created on the security of the special rates settled by this By-law be and the same is hereby guaranteed by the Municipality.

7. That the By-law shall come into operation and take effect on the day of the final passing thereof.

Done and passed in open Council this 20th day of December, A.D. 1909.

JNO. McLEOD,
Mayor.

GEO. ELLIOTT,
Clerk.

(Seal.)

ASSESSMENT OF SIXTY PER CENT. OF THE COST OF GRANOLITHIC WALKS UPON THE PROPERTY FRONTING OR ABUTTING ON THE
STREETS HEREIN SET FORTH.

Name of Owner.	Description of land.	Front- age.	Sq. ft.	Extras.	Annual rate per sq. ft.	Annual rate per sq. ft. for extras.	Amount if computed.	Annual assessment for 10 years —interest 5 per cent.
W. H. Mulligan	S. side Cedar St., e. of Drinkwater.	64	320	.....	.016628	.....	41.08	5.32
Alex Fournier	S. side Cedar St., e. of Drinkwater.	100	500	.....	"	.....	64.20	8.31
Mrs. Ida Bard	S. side Cedar St., e. of Drinkwater.	94	490	.....	"	.....	62.91	8.14
W. Rowat	15 Elm	50	350	.....	"	.....	44.94	5.81
H. J. Jones	14 Elm	50	350	.....	"	.....	44.94	5.81
D. Humphrey	13 Elm	50	350	.....	"	.....	44.94	5.81
W. G. Gillespie	12 Elm	50	350	.....	"	.....	44.94	5.81
A. Allan	11 Elm	50	350	.....	"	.....	44.94	5.81
J. W. Higgins	10 Elm	50	350	.....	"	.....	44.94	5.81
J. White	9 Elm	50	350	.....	"	.....	44.94	5.81
J. White	8 Elm	50	350	.....	"	.....	44.94	5.81
Jas. Keenan	7 Elm	50	350	.....	"	.....	44.94	5.81
R. H. Arthur	6 Elm	50	400	.....	"	.....	51.36	6.65
Annie Arthur	5 Elm	50	400	.....	"	.....	51.36	6.65
Annie Arthur	4 Elm	50	400	.....	"	.....	51.36	6.65
Mrs. R. B. Struthers	3 Elm	50	400	.....	"	.....	51.36	6.65
Cook & Arthur	2 Elm	50	400	.....	"	.....	51.36	6.65
Cook & Arthur	1 Elm	75	600	.....	"	.....	77.04	9.97
S. N. Doyle	64 Larch	120	600	.....	"	.....	77.04	9.97
R. Martin	72 Cedar	120	600	.....	"	.....	77.04	9.97
W. H. Howey	119 Cedar	120	600	.....	"	.....	77.04	9.97
L. Croteau	125 Elm	120	600	.....	"	.....	77.04	9.97
R. J. Tough	88 Cedar	40	400	.....	"	.....	51.36	6.65
D. L. McKinnon & C. V. Price	87 Cedar	50	500	.....	"	.....	64.20	8.31
D. L. McKinnon & C. V. Price	86 Cedar	50	500	.....	"	.....	64.20	8.31
C. P. R.	N. side Elm St., across tracks C.P.R.	251.7	2013.7	.....	.013051	.....	202.77	26.28
C. P. R.	S. side Elm St., from Elgin to freight sheds.	157.3	125.8	.....	"	.....	126.68	16.41
F. Tegahn	65 Young Street	119.4	597.5	.....	"	.....	60.16	7.79
C. P. R.	158 Elm Street	34.9	349.5	.....	"	.....	35.19	4.56
C. P. R.	159 Elm Street	18.	180	.....	"	.....	18.12	2.34
Sudbury Opera House	190 Beech Street	100	800	.....	.013051	.....	80.56	10.44

CHAPTER 119.

An Act respecting the City of Toronto.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Corporation of the City of Toronto has, by petition, prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the question "Are you in favour of the control and development of Ashbridge's Bay and the water front in the City's interest by a Commission having a majority of its members appointed by the City" was voted on at the municipal elections held in the said City on the 2nd day of January, 1911, and 16,673 votes were cast in favour of the said question and 5228 votes were cast against the said question, and the said Corporation is desirous of carrying out the wishes of the said electors so expressed; and whereas to enable the said Corporation more readily and profitably to dispose of debentures issued thereunder, it is desirable that the By-laws specified in Schedules "C" and "D" should be confirmed; and whereas all of the By-laws specified in Schedule "C" have been submitted to and approved of by the ratepayers; and whereas under two certain Agreements, dated respectively the 23rd day of December, 1890, and the 16th day of January, 1892, set forth as Schedule "C" to the Act passed in the fifty-fourth year of the reign of Her late Majesty Queen Victoria, chaptered 96, and Schedule "B" to the Act passed in the fifty-fifth year of the same reign, chaptered 98, and made between the municipality of the County of York and the Toronto and Mimico Electric Railway and Light Company, Limited, the said Electric Railway and Light Company acquired the right to construct, maintain, complete and operate certain railway franchises upon the Lake Shore Road now in the said City for the period of twenty-one years from the 23rd day of December, 1890, and that at the expiration of the said term the said County might upon giving notice in writing to the said Company, their successors or assigns, twelve months prior to the expiration of the said franchises assume the ownership of the railways and tramways of the Company, its successors or assigns, and all the real and
personal

personal property in connection with the working thereof on payment of the value of the same to be determined by arbitration; and whereas the Corporation of the City of Toronto has succeeded to the rights and property of the said County in the said Lake Shore Road and the Toronto and York Radial Railway Company have acquired the privileges and franchises of the said Toronto and Mimico Electric Railway and Light Company, Limited; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of Toronto shall have the right to sell, supply or deliver hay and other fodder at or for use in any Cattle Market established, owned or operated by it, and may sell, dispose of or assign such right to any person, and may pass all by-laws necessary for the exercise of the said powers.

Power to
sell hay
and fodder
at cattle
market.

2. The Council of the said City may, without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass a by-law or by-laws to authorize the issue of "City of Toronto Consolidated Loan Debentures" to such amount as may be required to raise a sum sufficient for the purpose of defraying the cost of purchasing a site and erecting thereon a building, and equipping and furnishing the same, suitable for a Registry Office for the said City.

Power to
borrow coat
of a site
for, and of
furnishing
registry
office.

3.—(1) The Agreement dated the 20th day of January, 1911, made between the said Corporation and the Art Museum of Toronto, and set forth as Schedule "A" hereto, as amended by subsection 4, is confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby authorized to do all acts necessary to carry out the provisions thereof.

Agreement
between
City and Art
Museum
confirmed.

(2) The Council of the said City may make an annual grant of \$5,000 out of the current revenue of the City to the Art Museum of Toronto to be applied for the maintenance and upkeep of the said Museum.

(3) Section 5 of the Act passed in the third year of the reign of His late Majesty King Edward VII., Chaptered 129, is amended by inserting after the word "twenty" in the second line thereof the words "five of whom shall be elected annually by the Council of the City of Toronto from among its members, the remainder thereof."

(4) The said agreement is amended by inserting at the end of clause 7 thereof the following words:

“Provided, however, that during certain days (to be hereafter agreed upon between the parties hereto) in each week in which the museum is open no admission fee shall be charged.”

Power to convey certain lands to Harbour Commissioners.

4.—(1) The said Corporation may grant and convey to the Commissioners of the Harbour of Toronto, when incorporated under an Act of the Parliament of Canada, subject to any conditions imposed by the Council of said Corporation, the ownership of the land, and land covered by water, known as Ashbridge's Bay, patented to the City by the Province of Ontario by Patent dated the 18th day of May, 1880, notwithstanding anything contained in the said Patent, and may also grant and convey to the said Commissioners all the land owned by the Corporation bordering upon the waters of the said Bay and the Harbour of Toronto, and along the Lake Shore within the limits of the City, together with all water lots owned by the said Corporation within the said limits, notwithstanding anything contained in any of the patents thereof, to manage, control, protect and develop, in accordance with the terms of the said Act of the Parliament of Canada; and the said Corporation may enter into an Agreement with the said Commissioners granting to the said Commissioners the control and management of all the docks, shores and beaches of the Corporation's Island property, and the regulation of the use thereof by boats, canoes and other vessels.

Guarantee of debentures issued by commissioners.

(2) The said Corporation may guarantee all debentures which may be issued by the said Commissioners in carrying out the provisions of this section and the said Act.

(3) Nothing in this section shall be held to affect any pending litigation.

Power to expropriate land for industrial farm.

5. The said Corporation may acquire, with the consent of the owner, or may enter upon, take and acquire, without the consent of the owner, making due compensation therefor, and may hold any estate in landed property within or within a radius of 25 miles of the limits of the City and may establish an Industrial Farm thereon, and may without the assent of the ratepayers qualified to vote on By-laws for the creation of debts, pass By-laws for the issue of debentures to raise a sum sufficient to defray the cost of same, including the cost of buildings, fences and necessary equipment.

6.—(1) The notice, dated the 28th day of November, 1910, given by the said Corporation to the Toronto and York Radial Railway Company, and set forth as Schedule "B" hereto, is hereby declared to be legal, valid and binding in so far as the portion of the said railway constructed in the present limits of the City of Toronto is concerned, and the said Corporation may acquire the said portion of said railway line of the said Company.

Power to acquire part of Toronto and York Radial Railway.

(2) The said Corporation may acquire the said portion of the said railway and all the real property within the existing city limits in connection with the working thereof, and such personal property in connection with the working thereof as the Ontario Railway and Municipal Board may find that the said Corporation should take, under the provisions of the Agreement, dated the 23rd day of December, 1890, between the said Railway Company and the County of York, set forth as Schedule "C" to the Act passed in the fifty-fourth year of the reign of Her late Majesty Queen Victoria, chapter 96, upon payment of the value of the same to be determined by arbitration by the Ontario Railway and Municipal Board, under the provisions of *The Ontario Railway Act, 1906*.

Agreement of Dec. 23rd, 1890, to apply to acquisition of railway.

(3) The said Corporation may assume the ownership and possession of the said portion of the said railway and said property on or about the 23rd day of December, 1911, whether the arbitration to be held to fix the value thereof has or has not been completed, on paying such sum of money into the High Court of Justice as a Judge thereof may order.

When city may take possession.

(4) The said Corporation may, with the assent of the ratepayers qualified to vote upon by-laws for the creation of debts, pass a by-law or by-laws for the issue of debentures for the purpose of raising the money necessary to carry out the provisions of this section, and such debentures shall not be treated as part of the general debenture debt of the City.

Issue of debentures with assent of electors.

(5) The said Corporation may extend the said Railway line in an easterly direction along the Lake Shore Road and Queen Street in the said City, so as to connect with the tracks of the Toronto Railway Company's system, and the said Corporation may make Agreement with the Toronto Railway Company for an interchange of cars and traffic and for running rights over the tracks of the said Toronto Railway Company to a point at or near the St. Lawrence Market in the said City, or to such other point or points as may be determined by Agreement, or by the Order of "the Ontario Railway and Municipal Board.

Power to make extensions.

Power to borrow \$100,000 for extension of waterworks intake pipe.

7. The said Corporation may, without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass a by-law or by-laws for the issue of "City of Toronto Consolidated Loan Debentures" to raise the sum of \$100,000 to defray the expenses of the extension of the Water Works Intake Pipe five hundred feet into Lake Ontario, and of making alterations and repairs thereto.

Certain by-laws confirmed.

8. The By-laws Numbers 5626, 5627, 5628, 5629 and 5630 specified in Schedule "C" to this Act, are hereby confirmed and declared to be valid, legal, and binding, and all debentures issued, or to be issued thereunder, and all rates and assessments levied or to be levied for the payment thereof, are confirmed and declared to be legal, valid and binding.

By-laws specified in schedule "D" confirmed.

9. The By-laws of the said Corporation specified in Schedule "D" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made, and all rates levied or to be levied for the payment thereof, are validated and confirmed, and the said Corporation is declared to have had power to pass, issue and levy the same.

Agreement between city, Board of Governors of Toronto University and Toronto Railway Co. confirmed.

10. The said Corporation, the Board of Governors of the University of Toronto, and the Toronto Railway Company, are hereby authorized to enter into the agreement set forth as Schedule "E" hereto, and upon the same being executed by the parties thereto, it shall be a legal, valid and binding agreement notwithstanding the provisions of the Statute passed in the 52nd year of the reign of Her late Majesty Queen Victoria, chaptered 53, and the Schedule thereto and the said parties are hereby authorized to do all acts necessary to carry out the provisions hereof as a local improvement, the Corporation paying such share of the cost thereof as may be hereafter determined by the Council thereof.

Power to borrow \$626,544 for new intake and water mains.

11. The said Corporation may, without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass a by-law or by-laws for the issue of City of Toronto Consolidated Loan Debentures to raise the sum of \$626,544 to defray the expenses of a new intake and six-foot steel conduit, and for additional water mains for the Water Works system of the City.

Power to expropriate land in connection with opening, etc., of streets or laying out of parks and play grounds.

12.—(1) The said Corporation may acquire by purchase or without the consent of the owners thereof or of persons interested therein may enter upon, take and use not only the land actually required for the opening, widening, extension or straightening of a street or the laying out and establishing of a park or playground, but also any land within

200 feet of the limits or sides of such street, park or playground, and shall pay such compensation for any land so taken or injuriously affected by the exercise of any power conferred by this section as may be agreed upon or in default of agreement as may be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1903*.

Provided, that the Corporation shall sell and dispose of so much of the said lands as are not required for such work within seven years or within such further time as may be fixed by the Lieutenant-Governor in Council.

13. The said Corporation may without submitting the same to the electors qualified to vote on By-laws for the creation of debts, pass a By-law or By-laws for the issue of "City of Toronto Consolidated Loan Debentures" to raise the sum of \$75,000 to defray the cost of the laying out, paving and improvement of roads in the Exhibition Grounds in the said City.

Power to borrow \$75,000 for pavements in Exhibition grounds

14. The Corporation, with the consent of the Hydro-Electric Power Commission of Ontario, and subject to the provisions of section 15, shall have power to acquire by purchase from the Toronto Electric Light Company and the Toronto Incandescent Light Company their property, assets and rights or any part thereof, and the companies may sell to the Corporation their property, assets and rights as they see fit. If such purchase is made, the corporate powers of the two companies, except for the purpose of realizing upon, collecting and disposing of such assets as may not be purchased and the winding up of the companies, shall be ended.

Power to acquire property of Toronto Electric Light Co.

15. The Council of the said Corporation may, after submitting the same, under the provisions of *The Consolidated Municipal Act, 1903*, to the electors qualified to vote on by-laws for the creation of debts, pass a by-law or by-laws authorizing the issue of debentures payable at any time not exceeding forty years from the date of issue thereof to the amount required to raise a sum of money necessary to make any purchase authorized under the preceding section, and the amount of the debt so incurred shall not be counted as, or deemed to be, a part of the general debenture debt of the said city, and the Corporation shall enter into no agreement or contract for any purchase as aforesaid without the stipulation that such purchase is contingent on such by-law or by-laws receiving the sanction of such electors as aforesaid.

Power to borrow.

Appoint-
ment of
Municipal
Electric
Board of
Commis-
sioners

16. The Municipal Electric Light, Heat and Power Works (including any purchased) shall be managed by a Board of Commissioners to be called the Toronto Electric Commissioners, which shall consist of three members. The Mayor of the City shall be *ex officio* a member of the Board. One member shall be appointed by the Municipal Council of the City on the nomination of the Board of Control, and no appointment shall be made by such Council in the absence of such nomination, except on the affirmative vote of at least two-thirds of the members of the Council present and voting, and the third shall be appointed by the Hydro-Electric Power Commission of Ontario, and such members so appointed shall hold office for two years and until their successors are appointed.

Powers of
Board

17. The Board shall perform all the duties, and have all the powers, of Commissioners under *The Municipal Light and Heat Act*, the provisions of which shall apply, except that the Board shall have power to apply so much of the moneys paid over to the Treasurer of the Municipality under the provisions of that Act, as well as the annual revenues, as the Board may deem necessary in improving or extending the works under its management.

Salary of
members.

18. Each member of the Commission, except the Mayor, shall be entitled to such annual salary not exceeding \$4,000, as the Board may determine.

SCHEDULE "A."

(SECTION 4.)

AGREEMENT MADE THE TWENTIETH DAY OF JANUARY, A.D. 1911.

BETWEEN,—

The Art Museum of Toronto, a body corporate, and herein-
after called "the Art Museum," of the First Part,
—and—

The Municipal Corporation of the City of Toronto, herein-
after called "the City," of the Second Part.

Whereas, the late Mrs. Goldwin Smith, of Toronto, devised to the Art Museum for the purpose of an Art Gallery and Art Museum, and for the purposes of the said "The Art Museum of Toronto," the lands colored pink on the plan hereto annexed and commonly known as "The Grange," on which is situated the residence formerly occupied by the late Mr. and Mrs. Goldwin Smith, also shown upon said plan;

And whereas it would be manifestly in the interests of the citizens of Toronto that the City should, upon the terms hereof, secure the use of the available lands surrounding "The Grange" residence, as a public park;

And whereas the provisions of this Agreement are in accordance with the wishes of Mrs. Goldwin Smith respecting the said Grange property, as expressed in her Will, and the manner of carrying them out as discussed with and approved by herself and her husband;

And whereas for the proper carrying out of Mr. and Mrs. Goldwin Smith's wishes, and in order that the said lands may be made available for use as a park, it is necessary that the land colored green on said plan should be acquired and made use of in connection with the Grange property as hereinafter set forth;

And whereas the City has agreed to acquire the said land, and the Art Museum and the City have agreed with reference thereto, and to the use to be made thereof when acquired, and to the use of the Grange property as hereinafter set out;

Now this agreement witnesseth as follows:

1. The parties hereto will use their best endeavors to acquire, for reasonable prices, the lands colored green on the plan hereto annexed, and for such purposes they or one of them shall, if necessary, exercise the necessary powers of expropriation.

2. The City shall pay the purchase price or compensation for said lands and all expenses connected with the acquisition thereof, including damages (if any) and costs of arbitrators and solicitors. Should the City desire to postpone the raising of any part of the moneys required for said purposes, the Art Museum will, at the request of the City, advance or cause to be advanced for the City, the amounts, the raising of which the City may desire to postpone. Provided, however, that the amounts advanced shall be repaid with interest in such instalments during a period not exceeding five years as may be agreed on.

3. The lands acquired shall form security for repayment of said advances and interest, and all such promises of repayment and

instruments

instruments securing the same as may be required by those making the advances shall be given. The titles to the lands shall be taken in the name of National Trust Company, Limited, as trustee for the purpose aforesaid, but upon repayment of all advances and interest the lands shall be conveyed to the City to be held and dealt with in perpetuity under this Agreement.

4. Subject to the use and enjoyment of the Art Museum for the purposes hereinafter stated and to the terms of this Agreement, the property colored pink, and so much of the property colored green on said plan as may be from time to time available, other than that now or hereafter occupied exclusively by the Art Museum for the purposes of the Art Museum by buildings or otherwise, shall in perpetuity be used for the purposes of a park for the people of Toronto and other visitors; and the City may make by-laws, rules and regulations relating to such use for park purposes.

5. So much of the lands colored green on said plan as the Art Museum may think necessary may be used and enjoyed from time to time by the Art Museum exclusively for its own purposes, including the erection of such buildings and the making of such ways, works and improvements as the Art Museum may from time to time decide. The said lands shall at all times be held for and shall be subject to such use and enjoyment, subject only to the mortgages and charges (if any) securing repayment of advances made to the City as above mentioned. Provided always that without the consent of the City, no buildings shall be erected or extend southerly of an easterly and westerly line drawn across the property colored pink and along the face of the Grange residence.

6. The Grange residence of the late Mr. and Mrs. Goldwin Smith shall be kept as a memorial of their residence in Toronto, and shall be used in such ways for that object as the Art Museum may decide.

7. The Art Museum may from time to time make by-laws, rules and regulations relating to the use by the people of Toronto and other visitors, of its art galleries, and the memorial residence, and other buildings, and of the Grange property generally in connection therewith, and may charge reasonable fees for admission, catalogues, etc.

8. No by-law, rule or regulation made by the City under Clause four hereof shall limit or prejudice the use and enjoyment by the Art Museum above mentioned.

9. The City shall not, without the approval in writing of the Art Museum, cut down any tree, bush or shrub on the property colored pink, or make or do anything in or on said property which would materially alter its present appearance.

10. The City shall at all times keep in good and neat order and condition for park purposes, the property used from time to time as a park, and shall repair and maintain in good order the roads, walks, walls, fences, gates, greenhouses, pavilions and structures now or hereafter thereon in connection with park purposes.

11. It is the intention of the Art Museum to erect upon the lands lying northerly of the east and west line referred to in Clause No. 5 hereof, suitable Art Galleries, as soon as it has from time to time succeeded in obtaining the moneys required therefor, and to enlarge and extend the same from time to time; and the City shall hereafter pay to the Art Museum the sum of Five thousand dollars (\$5,000) in each year, commencing in the year 1911, such payments

to be made quarterly, viz., Twelve hundred and fifty dollars (\$1,250), on the First days of January, April, July and October of each year. The said sum of Five thousand dollars per year has been fixed in view of present conditions, but the parties may, when the conditions have altered, propose for discussion a different sum.

12. The Art Museum agree to the representation of five members of the City Council being elected annually upon the Council of the said Museum and that the Act of Incorporation of the Art Museum may be amended accordingly.

13. The Art Museum and its present and future income and personal and real property, including among any others the property shown on the plan hereto annexed and the present and future buildings and improvements thereon, and including the present and future contents thereof, shall be forever free and exempt from all taxation by or on behalf of the City for any purposes whatsoever.

14. The parties shall join in an application to the Legislature of Ontario to confirm this Agreement.

In witness whereof the Art Museum have attached their Corporate Seal by the hand of their proper officer, and the City has attached its Corporate Seal by the hand of George Reginald Geary, Esquire, Mayor, countersigned by Richard Theodore Coady, Esquire, Treasurer.

Signed, Sealed and Delivered

In the presence of

SCHEDULE "B."

(SECTION 7.)

TO THE TORONTO AND YORK RADIAL RAILWAY COMPANY:

Take notice that the Corporation of the City of Toronto, under the terms and provisions of the agreements hereinafter mentioned and the Statute in that behalf made and provided, intends at the expiration of the term of the privilege and franchise granted by the Corporation of the County of York to the Toronto and Mimico Electric Railway and Light Company, Limited, by agreement dated the 23rd day of December, 1890 (which franchise your Company now claims the right to exercise), to assume the ownership of the railway or tramway now operated by you under said franchise and under a certain other franchise granted by the Corporation of the Township of Etobicoke to the said Toronto and Mimico Electric Railway and Light Company, Limited, by agreement dated the 24th day of January, 1891, together with all the real and personal property in connection with the working of the said railway or tramway, on payment of the value of the same to be determined by arbitration.

Dated the 28th day of November, A.D. 1910.

Witness the Corporate Seal of the said Corporation of the City of Toronto, and the hand of George Reginald Geary, Esquire, Mayor, and Richard Theodore Coady, Esquire, Treasurer and Keeper of the City Seal of the said Corporation of the City of Toronto.

(Seal)

G. R. GEARY,
Mayor.
R. T. COADY,
Treasurer and Keeper
of the City Seal.

SCHEDULE "C."
(SECTION 9.)

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total Cost of Work.	Period of Payment.	Rate of Interest.
5626	General Consolidated Loan Debentures for building and equipping of street railways on certain streets of the City of Toronto	Jan. 23rd, 1911	\$1,157,293.00	25 years	4%
5627	General Consolidated Loan Debentures for improvement of main roads or highways leading into the City of Toronto	Jan. 23rd, 1911	102,564.00	5 years	4%
5628	General Consolidated Loan Debentures for constructing system of storm overflow sewers in City of Toronto	Jan. 23rd, 1911	824,400.00	37 years	4%
5629	General Consolidated Loan Debentures for the reclamation and improvement of Ashbridge's Bay	Jan. 23rd, 1911	205,128.00	37 years	4%
5630	General Consolidated Loan Debentures to make grant to Toronto Western Hospital	Jan. 23rd, 1911	51,282.00	37 years	4%

SCHEDULE "D."
(SECTION 12.)

No. of By- law.	Nature of Work under By-law.	When passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
5417	General Consolidated Loan Debentures for purchase of lands and erection of fire halls and police stations	Jan. 24th, 1910.	\$262,000.00	\$262,000.00	....	39 years	4%
5418	General Consolidated Loan Debentures for the erection and improvement of buildings in the Exhibition Park	Jan. 24th, 1910.	320,000.00	320,000.00	....	39 years	4%
5420	General Consolidated Loan Debentures for defraying the cost of the new North-West High School Building	Feb. 14th, 1910.	150,000.00	150,000.00	.....	38 years	4%
5441	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1909	April 11th, 1910.	51,381.84	2,644.55	\$48,737.29	10 years	4%
5442	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1909	April 11th, 1910.	448,585.09	115,108.44	333,476.65	10 years	4%
5443	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt block pavements con- structed in the year 1909	April 11th, 1910.	112,760.96	42,209.61	70,551.35	10 years	4%
5444	Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements con- structed in the year 1909	April 11th, 1910.	196,685.75	51,774.69	144,911.06	10 years	4%
5445	Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1909	April 11th, 1910.	23,031.60	5,159.55	17,872.05	10 years	4%

SCHEDULE "D" (Continued).

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
5446	Local Improvement Debentures to defray the ratepayers' share of the cost of certain vitrified block pavements constructed in the year 1909	April 11th, 1910.	\$33,684.42	\$19,214.02	\$14,470.40	10 years	4%
5447	Local Improvement Debentures to defray the ratepayers' share of the cost of certain macadam pavements constructed in the year 1909	April 11th, 1910.	2,392.20	689.70	1,702.50	5 years	4%
5448	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete pavements, constructed in the year 1909	April 11th, 1910.	5,773.45	2,076.56	3,696.89	10 years	4%
5449	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1909	April 11th, 1910.	236,311.70	43,980.61	192,331.09	10 years	4%
5450	Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1909	April 11th, 1910	869.53	128.71	740.82	3 years	4%
5451	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbs constructed in the year 1909	April 11th, 1910.	14,162.14	2,602.39	11,559.75	10 years	4%
5452	Local Improvement Debentures to defray the ratepayers' share of the cost of grading certain streets in the year 1909	April 11th, 1910.	1,722.39	32.39	1,690.00	5 years	4%
5453	General Consolidated Loan Debentures for improvements and extensions of the Water Works	April 25th, 1910.	279,539.00	279,539.00	....	38 years	4%

SCHEDULE "D" (Continued).

5454	General Consolidated Loan Debentures to make a grant to the Toronto General Hospital, and for acquiring lands to extend Christopher Street	April 25th, 1910.	\$250,000.00	\$250,000.00	....	38 years	4 $\frac{3}{4}$ %
5488	Local Improvement Debentures consolidating broken amounts, being the ratepayers' share named in certain Local Improvement By-laws	May 23rd, 1910.	853,767.65	....	853,767.65	various	4 $\frac{3}{4}$ %
5489	Local Improvement Debentures consolidating the City's portion of the amounts named in certain Local Improvement By-laws	May 23rd, 1910.	294,648.25	....	294,648.25	various	4 $\frac{3}{4}$ %
5498	General Consolidated Loan Debentures for the purpose of purchasing parks and playgrounds	June 6th, 1910.	134,900.00	134,900.00	....	38 years	4 $\frac{3}{4}$ %
5517	Street Railway Debentures, for the purpose of paying for constructing, repairing and renewing pavements upon portions of streets occupied by the right of way of the Toronto Railway Company	July 11th, 1910.	528,910.78	528,910.78	....	10 years	4 $\frac{3}{4}$ %
5590	General Consolidated Loan Debentures for the purpose of constructing, reconstructing and enlarging certain public schools and purchasing and enlarging school sites	Nov. 21st, 1910.	489,231.00	489,231.00	....	38 years	4 $\frac{3}{4}$ %
5591	General Consolidated Loan Debentures for defraying the cost of additional High School accommodation at Humber-side Collegiate Institute	Nov. 21st, 1910	55,385.00	55,385.00	....	38 years	4 $\frac{3}{4}$ %

SCHEDULE "B."

(SECTION 10.)

Memorandum of Agreement made in quadruplicate the
day of 1911:

BETWEEN—

The Corporation of the City of Toronto, hereinafter called
"The Corporation," of the first part; The Governors of the
University of Toronto, hereinafter called "The Board of
Governors," of the second part;

—and—

The Toronto Railway Company, hereinafter called "The Com-
pany," of the third part.

Whereas the Corporation desires to lay out and improve Univer-
sity Avenue from Queen Street to College Street, and to re-arrange
the roads, boulevards and paths in connection therewith, and to
widen Anderson Street, all as shown on the Plan hereunto annexed,
marked "A";

And whereas by a certain Lease or Agreement between Her late
Majesty Queen Victoria, as trustee for the University of Toronto,
and the Corporation of the City of Toronto, bearing date the second
day of March, 1889, it is amongst other things provided that the
opening of Anderson Street into the said Avenue (then called
Queen's Avenue) was confirmed as a foot-path only six feet in
width;

And whereas with the leave of the Board of Governors, Anderson
Street has been opened to a width of about sixteen feet, and the
Corporation now desires to further widen the said Street to a width
of sixty-six feet so that the Company may lay down and operate
street car lines thereon and carry them across the said Avenue;

And whereas the Corporation has requested the Board of Gover-
nors to consent to and approve of the carrying out of said plan and
the widening of Anderson Street and the laying down and operating
of street car lines thereon and the carrying of them across the said
Avenue, and the Board of Governors is willing to comply with such
request on condition that no line of street or other railway be
at any time laid down on University Street, and on the other terms
and conditions hereof;

And whereas the Company has agreed to the said conditions:

Now, therefore, in consideration of the premises, it is mutually
agreed by and between the said parties as follows:

1. The Board of Governors hereby consents to and approves of
the laying out and improvements of the said Avenue from Queen
Street to College Street, and to the re-arrangement of the roads,
boulevards and paths thereon, all as shown on the said Plan annexed
marked "A"; provided that the said work be commenced on or
before the First day of May, 1911, and be finished on or before the
Thirty-first day of December, 1911

2. In connection with the carrying out of the work shown on
said Plan, and because thereof, the Board of Governors hereby
consents to the widening of Anderson Street to a width of sixty-
six feet, and to the opening of said Street of the width aforesaid
into said Avenue; provided that the same be so widened and opened
concurrently with the work required in carrying out the said Plan
and within the time above limited.

3. On condition that no line of street railway be at any time laid down on University Street by the Company or the Corporation or otherwise, the Board of Governors hereby consents to the Company laying down and operating across the said Avenue street car lines from the eastern end of Anderson Street, widened as aforesaid, to the eastern boundary of said Avenue, and to the connection of such lines with the lines to be laid down on Agnes Street, the whole as shown generally on said Plan.

4. It is agreed that University Street, which lies immediately to the east of said Avenue, shall be no longer travelled over as a Street as heretofore, but shall be used only as part of the eastern boulevard of the said Avenue and University Street as re-arranged and improved in accordance with the said Plan.

5. The Corporation shall plant the new trees upon University Street and said Avenue which are required in the carrying out of the said Plan, and it shall cut down and remove the trees on University Street and said Avenue as required by the said Plan; and the Corporation shall not without the consent of the Board of Governors plant or cut down or remove any trees not intended by said Plan to be planted, cut down or removed.

6. The Corporation shall at all times hereafter and from time to time during the continuance of the Lease or Agreement of 2nd March, 1889, above mentioned, keep in good repair and condition the said Avenue and University Street as improved and re-arranged in the carrying out of said Plan, and shall renew or restore any of the new trees which may die.

7. For the further improvement of said Avenue the Board of Governors and the Corporation may from time to time agree upon the removal of any trees upon the said Avenue and upon the planting of other trees in lieu thereof.

8. All work to be done on the part of the parties of the first and second parts in the carrying out of the said Plan shall be done under the supervision and to the satisfaction of the Engineer of the Corporation and of the Superintendent or Engineer of the Board of Governors.

9. The Company and the Corporation hereby respectively agree not to lay down or operate any line of street or other railway at any time on University Street or on said Avenue save only the lines crossing the said Avenue from Anderson Street as above mentioned.

10. Save as herein expressly modified or altered the said Lease or Agreement of 2nd March, 1889 and all other Agreements between the Corporation and the Board of Governors or their predecessors, and all rights and positions of the parties thereunder or in respect thereto or under any statute or law, and all rights of the Board of Governors against or with respect to all persons and corporations in connection with or in respect to the said Avenue and to the opening of their properties into the same, shall continue and are hereby reserved as if this Agreement had never been made, and this Agreement is declared to be without prejudice to the same.

In witness whereof the said parties have hereunto affixed their respective corporate seals as follows: The said Corporation its corporate seal by the hand of George Reginald Geary, Esquire, Mayor, countersigned by Richard Theodore Coady, Esquire, Treasurer; the said Board its corporate seal and the hands of its Chairman and Bursar, and the said Company its corporate seal and the hands of William MacKenzie, Esquire, President, and James C. Grace, Esquire, Secretary.

Signed, Sealed and Delivered
In the Presence of:

CHAPTER 120.

An Act respecting the Town of Wallaceburg.

Assented to 24th March, 1911.

WHEREAS the Municipal Corporation of the Town of ^{Preamble.} Wallaceburg has by petition represented that by Section 5 of Chapter 101 of the Acts passed in the 6th year of the reign of His late Majesty King Edward VII. the said Town is prohibited from incurring any debt or liability without the sanction of the Legislature; and that it is in the interests of the Town that the prohibition should be repealed, so that the Town can construct sidewalks and pavements and other works which are immediately required; And whereas at the time of the passing of the said Act the said Town had a floating debt of \$25,000, a debenture debt of \$98,409.17 and the rateable property therein was assessed for \$766,228.03; that at the present time it has no floating debt, its debenture debt is \$98,997.14, and the rateable property therein is assessed for \$965,670.00; And whereas the said Town is greatly in need of an additional school house to provide for the increased number of pupils attending its Public Schools, and has passed By-law Number 176, set out as schedule "A" hereto, to borrow \$20,000 for the erection of such school house, and it is desirable that the said By-law should be confirmed; And whereas the said Town has by petition prayed that an Act may be passed for the above purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in section 5 of the Act passed in the 6th year of His late Majesty's reign, chaptered 101, the said Corporation may, under and subject to the provisions of *The Consolidated Municipal Act, 1903*, and any amendments thereto, pass By-laws to borrow money by the issue of debentures, for school purposes and for constructing and laying down sidewalks and pavements as local improvements.

Power to
borrow for
certain
purposes.

By-law
No. 176
confirmed.

2. By-law Number 176 of the Municipal Corporation of the Town of Wallaceburg, set forth in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all rates and assessments levied or to be levied for the payment thereof are confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

SCHEDULE "A."

BY-LAW No. 176.

A By-law for the purpose of borrowing the sum of \$20,000, to be used in erecting a New School Building on the North Side of the River Sydenham, in the Town of Wallaceburg; and also to build an addition to the School Building on the South side of said river.

Whereas the Public School Board of the Town of Wallaceburg have requested the Town Council of Wallaceburg to submit a by-law to the Public School ratepayers of the Town of Wallaceburg and that portion of the North Gore of the Township of Chatham belonging to the Wallaceburg Public School Section, to raise the above amount by way of debentures for the purpose of erecting a new School Building on the north side of the River Sydenham, in the Town of Wallaceburg, and also to build an addition to the School Building on the south side of said river.

Whereas within the limits of the Town of Wallaceburg there is a Roman Catholic Separate School.

And whereas the limits of the Wallaceburg Public School comprises a part of the gore of the Township of Chatham.

And whereas, in order to furnish the School Board said sum of money for said purpose, it will be necessary for the Corporation of the Town of Wallaceburg to borrow the same from some person or persons or body corporate upon the debentures of said Town of Wallaceburg.

And whereas the total debt of the said Town of Wallaceburg is now the sum of \$100,500.00, and no part of the principal or interest is in arrears and upon which there is no debt on the Wallaceburg Public School.

And whereas the total value of property rateable under this By-law, to wit, all the property within the Town of Wallaceburg and that part of the said gore of the Township of Chatham comprised within said school limits, except such portions of said property as are charged with the support of the Roman Catholic Separate School of the said Town, is the sum of \$709,233.00.

And whereas it is expedient that the said loan of \$20,000 shall be repaid in thirty equal annual instalments, including interest coupons at the rate of five per cent. per annum.

And whereas the total amount to be raised annually for the payment of said debentures and interest coupons is the sum of \$1,301.03.

And whereas the said debt of \$20,000 is created on the security of the special rate settled by this By-law, and on that security only.

Now

Now therefore be it enacted by the Municipal Council of the Corporation of the Town of Wallaceburg as follows:—

1. That the said Council do, by virtue of the power vested in it by and under the Public School Act of 1909, Chapter 89, Section 43, borrow the sum of \$20,000 for the purpose required by the Wallaceburg Public School Board hereinbefore recited, and the said sum and interest at the rate of five per cent. per annum shall be repaid in thirty equal annual instalments, including interest coupons of \$1,301.03.

2. That as security for said loan the Mayor and Treasurer of said Town shall issue, sign and seal thirty debentures, with the interest coupons thereon, payable in thirty consecutive years hereafter, each for the sum of \$1,301.03, including interest coupons.

3. That the said sum required each year for the said next thirty years to pay said principal and interest shall be raised and levied upon each year by special rate sufficient therefor upon all the rateable property under this By-law, namely, all the property within the Corporation of the Town of Wallaceburg, and all the property situate in the gore of the Township which is comprised within the limits of the urban or union Wallaceburg Public School of the Town of Wallaceburg, and not to include such property in said Town and gore of Chatham as is, or may be properly charged with, the support and maintenance of the said Roman Catholic Separate School in the Town of Wallaceburg.

4. That a vote of the ratepayers of the Wallaceburg Public School on this By-law will be taken on Monday, the 5th day of September, 1910, and by the same Deputy Returning Officers appointed to hold Municipal elections for 1909, and in the said several wards.

5. That on the 3rd day of September, 1910, at the Town Clerk's Office, Wallaceburg, at the hour of eight o'clock in the evening, the Mayor shall attend and appoint in writing, signed by him, two persons to attend at the final summing-up of the votes by the Clerk, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passage of this By-law, and a like number of persons interested in and desirous of opposing the passage of the By-law.

6. That the Clerk of said Council shall attend at his office aforesaid on Tuesday, the 6th day of September, 1910, at the hour of ten o'clock in the forenoon, and sum up the number of votes given for and against this By-law.

7. That this By-law shall take effect immediately upon the final passing thereof.

Finally passed after the assent of the ratepayers being obtained thereto at the Council Chamber, this 5th day of December, 1910.

(Signed) W. J. McDONALD, *Mayor*.

Seal.

H. E. JOHNSON, *Clerk*.

CHAPTER 121.

An Act to confirm By-law No. 784 of the Town of
Whitby.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Municipal Corporation of the Town of Whitby has by petition represented that in the years 1905, 1907, 1908 and 1909 the said Town constructed certain permanent cement sidewalks on the Local Improvement plan under the provisions of *The Municipal Act*, and borrowed moneys by way of temporary loans and paid for the same and that owing to the indebtedness of the said Town for the construction of waterworks and electric light system and permanent bridges, and other indebtedness, it was not expedient to raise the moneys in each year as the said sidewalks were built and that the amount of the expenditures in each of the said four years was too small to be paid by debentures of the Municipality without great loss and that the undertaking and construction of the said works were all upon the petition of the proper number of owners of the property to be benefited thereby and all parties respectively had due notice of all the proceedings and in each of the said years Courts of Revision for hearing complaints were duly held and the proportion in which the costs of such improvements was to be borne was duly settled according to *The Municipal Act* and that on the 6th day of February, 1911, the said Town passed a By-law No. 784 to provide for the issue of debentures to raise money for the payment of the costs of laying the said cement sidewalks in the said Town in the four years above mentioned and imposing rates in the proportion settled as aforesaid upon the properties benefited by such improvements to pay the respective shares of such costs, and upon the whole rateable property of the said Municipality to pay its share of the costs of such works and that by reason of no such rates having been levied and collected in the years which have elapsed since the construction of the said works and the rates imposed extending over twenty years from the passing of said By-law doubts have arisen as to the validity of such By-law, and the debentures to be issued under the same and it is said by Counsel for intending purchasers that it is doubtful if the Council of the Town of Whitby can
now

now pass a by-law which will comply with all the provisions of *The Municipal Act*, and the said Council have been advised by the solicitors for such intending purchasers to apply for an Act to make valid the said By-law and the debentures to be issued thereunder and that the petitioners are advised that the probable life of the said sidewalks will extend to the period of twenty years during which the debentures to be issued under the said By-law are to run, and the said Municipal Corporation has by the said petition prayed that an Act may be passed to legalize and confirm the said By-law;

And whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law 784 of the Corporation of the Town of Whitby ^{By-law No. 784 confirmed.} intituled "A By-law of the Corporation of the Town of Whitby to provide for the issue of Debentures for the purpose of providing funds for the payment of the cost of laying certain cement sidewalks in the said Town in the years 1905, 1907, 1908 and 1909 in pursuance of *The Consolidated Municipal Act, 1903*," as set forth in Schedule "A" to this Act is confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, and the said Corporation is authorized and empowered to impose the rates provided for in the said By-law.

2. The said Corporation may issue debentures as provided ^{Debentures confirmed.} by the said By-law, and the debentures when issued and the interest coupons attached thereto shall be legal and binding upon the said Corporation and the ratepayers thereof.

3. The said Corporation is authorized and empowered to ^{General powers.} do all acts and things necessary and proper for the full and effectual carrying out of the objects of the said By-law.

SCHEDULE "A."

BY-LAW NO. 784.

A By-law of the Corporation of the Town of Whitby to provide for the Issue of Debentures for the purpose of providing funds for payment of the cost of laying certain Cement Sidewalks in the said Town in the years 1905, 1907, 1908 and 1909, in pursuance of the Consolidated Municipal Act, 1903.

Whereas the Council of the Town of Whitby had prior to the year 1905 by by-law adopted the Local Improvement System in respect to the making of sidewalks, and

Whereas during the years 1905, 1907, 1908 and 1909 the Council of the said Town constructed sidewalks of cement upon eighteen portions of streets within the Town, the same being on leading or principal business or residential streets as set out in Schedules A, B, C and D to this by-law,

The proceedings for the construction of the said eighteen portions of sidewalks mentioned in Schedules A, B, C and D were initiated on a sufficiently signed petition of the owners of the real property to be benefited by the said work as provided in said Municipal Act, and

Whereas all the said works described in Schedules A, B, C and D were performed under the said Local Improvement By-law wherein it was provided that 40 per cent. of the cost of construction of the said sidewalks should be provided and borne by the Municipality and that 60 per cent. of the said cost of construction should be borne by Local Assessment upon the lands to be benefited thereby, and

Whereas the Schedules hereto attached marked A, B, C and D show the streets or parts of streets on which such sidewalks have been laid, the total assessment of the properties benefited according to the last revised assessment roll, the number of feet frontage, the total cost of such improvements, the amount to be borne by the Corporation, the amount to be borne by the owners benefited and the annual amount to be paid by the owners for twenty years in order to pay the cost of said improvements, the said twenty years being the then estimated life of said improvements as shown by the report of the Chairman of the Committee on streets and improvements of the Council of the said Town of Whitby and after due report of the Committee on Streets and Improvements as to the cost of the said works respectively and as to the assessment to be made in respect to the same, and after due revision of the Assessments made in each case by Courts of Revision held under proper notice to all concerned, and

Whereas the said sum of \$8,850 has been raised by way of temporary loan and the said several sidewalks have been paid for by the proceeds of such loan, and

Whereas it is desirable to consolidate the several amounts so paid for building said sidewalks and to issue debentures therefor in one consecutive issue, and

Whereas the probable life of the said sidewalks is twenty years from the date hereof, and

Whereas owing to the financial condition of the Town it was inexpedient to raise the amount of the expenditure for such sidewalks in each of the said years by taxation and the amount to be raised in each year was too small for making sale of debentures except at a great sacrifice, and

Whereas

Whereas it is necessary and expedient to raise the whole sum of \$8,850.00, being the amount of the debt intended to be created by this by-law to pay the cost of such improvements by the issue of debentures by that amount, bearing interest at Five per cent. per annum, payable annually, \$3,954.50 of which sum of \$8,850.00 is to be borne by the Municipality and the balance of \$4,895.50 by the owners benefited. The said sum of \$8,850.00 and interest to be payable in twenty successive annual payments commencing with the year 1912 and ending with the year 1931 and to be payable on each anniversary of the passing of this by-law and to issue such debentures so that the aggregate amount payable for principal and interest in any one of such years shall be as nearly as may be equal to what should be payable for principal and interest in each of the other years of said term.

And whereas for such purpose it will be necessary during each year of the twenty years to raise by annual special rate on all the rateable property of the municipality liable to be rated for such purposes the sum of \$317.41 to pay that part of the said debt and interest to be borne by the said Corporation and by annual special rate on the properties benefited the sum of \$392.74 to pay that part thereof to be paid and borne by the ratepayers, owners of the property benefited as shown in said schedule; and whereas none of the owners benefited with the exception of two have commuted or paid his, her or their share of said costs of construction of said improvements, and

Whereas the whole rateable property of the said municipality according to the last revised assessment roll liable for the payment of the said 40 per cent. is \$805,317, and

Whereas the amount of the existing debenture debt of the said municipality is \$130,480.19, and no principal or interest is in arrear, and

Whereas the assessed value of the whole real property rateable in respect to the owner's share as part of the said debt is \$206,905 as shown by the said schedule, and

Whereas the portion of the debt last mentioned, namely, the part thereof payable by the owners is created on the security of the special rate settled by this By-law and on those securities only, but the debt and the debentures issued therefor are hereby guaranteed by the municipality at large notwithstanding anything contained in Clause D, subsection 1 of section 385 of *The Consolidated Act, 1903*.

Therefore the Municipal Corporation of the Town of Whitby enacts as follows:

1. Said Schedules A, B, C and D shall be read as part of this By-law.

2. For the purpose of raising the said sum of \$8,850 twenty debentures of the Corporation of the Town of Whitby shall be issued to the said amount of \$8,850 in the whole in sums of not less than \$100 each and the same shall be issued on the First day of May, 1911. Each of said debentures shall be dated on the day of the issue thereof and shall be payable on the First day of May in each year for twenty years, namely, in the year 1912 and in the next ensuing successive nineteen years.

3. Such debentures shall bear interest at five per cent. per annum in each and every year during the currency of the said debentures and shall have attached to them coupons for the payment of the said interest and said debentures shall be issued in such manner that the aggregate amount payable for principal and interest in respect to the debt in any one year of such periods of twenty years shall be equal as nearly as may be to what is payable

for principal and interest during any of the said years of such period of twenty years as aforesaid as shown in Schedule E to this by-law, the amount of each annual payment of principal and interest being \$710.15. Each of the said debentures shall be signed by the Mayor of said Corporation or some other person authorized by law to sign the same and by the Treasurer, and the Clerk shall affix the seal of the said Corporation thereto. The said coupons shall be signed by the Mayor and Treasurer and the said debentures and coupons shall be payable at the office of the Treasurer of the said Corporation of the Town of Whitby.

4. The Mayor and Treasurer of said Corporation are hereby authorized to negotiate and sell the said debentures hereby authorized to be issued and to use the proceeds thereof in payment of said debt and for no other purpose or purposes whatsoever.

5. For the purpose of paying the said debentures there shall be raised and levied in addition to all other rates, taxes and levies in each year of the said period of twenty years on the whole rateable property of the said Town of Whitby liable to be rated for the same by an annual special rate therefor a sum sufficient to pay the said sum of \$317.41 a part of said sum of \$710.15 required to be paid annually to retire the Corporation's portion of said debentures and by annual special rate on the real property of the owners benefited by said improvements as set out in Schedules A, B, C and D hereto according to the frontage thereof a sum sufficient to pay the sum of \$392.74 the balance of the said sum of \$710.15 as aforesaid by way of a Local Improvement tax in respect of such improvements, which special rate shall be annually inserted in the collector's roll and collected in the same way as other rates in the same.

6. During the twenty years commencing with 1912 the above mentioned owners' property assessed for the said debt as a local improvement shall be exempt from general taxes for similar improvements to the amount of 60 per cent. thereof only.

7. This by-law shall come into force on the final passage thereof.

Passed in open Council this sixth day of February, nineteen hundred and eleven (1911).

JOSEPH WHITE,
Town Clerk.

JAMES H. DOWNEY,
Mayor.

Schedules referred to in the annexed By-law No. 784 of the Town of Whitby.

SCHEDULE "A," 1905.

1. Commencing on the east side of Centre street where it is intersected by the south side of Colborne street, thence south along the east side of Centre street to the north side of Dunlop street, producing 750 feet liable for assessment and 500 feet by the Town.

2. Commencing on the west side of Green street, where it intersects the south limit of Dundas street, thence south along the west limit of Green street to the south limit of Colborne street, producing 768 feet liable for assessment and 512 feet by the Town.

3. Commencing on the west side of Byron street, where it intersects the north limit of Trent street, thence west along the north side of Trent street to the east side of Centre street, producing 825 feet liable for assessment and 550 feet by the Town.

4. And whereas the total assessed value of the said property is \$28,950 and the total cost is \$552.25, the property's share is \$320.27 and the town \$231.98.

SCHEDULE "B," 1907.

1. Commencing on the south side of Dundas street, where it is intersected by the west side of Byron street, thence southerly along the west side of Byron street to the north limit of St. John street, producing 6,588 feet liable for assessment and 4,392 feet by the Town.

2. Commencing on the south side of Gilbert street, at the east limit of Athol street, thence east along the south side of Gilbert street to the railway track, thence east along the north side of Gilbert street to the east side of Reynolds street, producing 2,093 feet liable for assessment and 1,923 feet by the Town.

And whereas the total assessed value of the said property is \$36,630 and the total cost \$2,110.23, the property's share is \$1,145.89 and of the town \$964.34.

SCHEDULE "C," 1908.

1. Commencing on the west side of Centre street, where it intersects the south side of Dundas street, thence southerly along the west side of Centre street to the north side of Keith street, producing 8,947 feet liable for assessment and 6,204 feet by the Town.

2. Commencing on the north side of John street, where it is intersected by the east side of Euclid street, thence along the north side of John street to the west side of High street, producing 2,597 feet liable for assessment and 1,731 feet by the town.

3. Commencing on the north side of John street at the intersection of the east limit of Palace street, thence north along the east limit of Palace street to the south side of Walnut street, producing 900 feet liable for assessment and 600 feet by the Town.

4. Commencing at the intersection of the south side of John street with the east side of Brock street, thence east along the south side of John street to the east limit of Perry street, producing 720 feet liable for assessment and 700 feet by the Town.

5. Commencing on the south side of Dundas street, where it is intersected by the east side of Centre street, thence south along the east side of Centre street to the north side of Colborne street, producing 829 feet liable for assessment and 552 feet by the Town.

6. Commencing on the west side of Brock street where it intersects the south side of Elm street, thence north along the west side of Brock street to the south side of Mary street, producing 1,053 feet liable for assessment and 719 feet by the Town.

And whereas the total assessed value of the said property is \$100,950 and the total cost is \$3,596.23, the property's share is \$1,986.07 and of the town \$1,610.16.

SCHEDULE "D," 1909.

1. Commencing on the south side of Colborne street where it intersects the west limit of Centre street, thence west along the south side of Colborne street to the east limit of King street, thence along the east limit of King street to the north limit of Dunlop street, producing 1,598 feet liable for assessment and 1,066 feet by the Town.

2.

2. Commencing on the south side of Colborne street where it intersects the east limit of Green street, thence east along the south side of Colborne street to the west limit of Peel street, producing 1,400 feet liable for assessment and 1,040 feet by the Town.

3. Commencing on the west side of Brock street where it is intersected by the south side of Ontario street, thence south along the west side of Brock street to the north side of St. John street, producing 1,194 feet liable for assessment and 786 feet by the Town.

4. Commencing on the east side of Perry street where it intersects the north limit of Dundas street, thence north along the east side of Perry street to the south limit of John street, producing 2,774 feet liable for assessment and 1,850 feet by the Town.

5. Commencing on the south side of Dundas street where it intersects the east limit of Centre street, thence west along the south side of Dundas street to the east side of King street, producing 660 feet liable for assessment and 440 feet by the Town.

6. Commencing on the west side of Henry street where it intersects the south limit of Dundas street, thence south along the west side of Henry street to the south side of Dunlop street, producing 2,581 feet liable for assessment and 1,720 feet by the Town.

7. Commencing on the north side of Dundas street where it intersects the west limit of Trent street, thence west along the north side of Dundas street to the east limit of Euclid street, producing 720 feet liable for assessment and 480 feet by the Town.

And whereas the total assessed value of the said property is \$40,375 and the total cost is \$2,590.38, the property's share is \$1,442.36 and by the town \$1,148.02.

SCHEDULE "E."

Showing amount of annual payments of principal and interest under By-law No. 784:

	Principal.	Interest.	Total.	Coupon.
1912	\$267 65	\$442 50	\$710 15	\$13 38
1913	281 03	429 12	710 15	14 05
1914	295 08	415 07	710 15	14 75
1915	309 83	400 32	710 15	15 49
1916	325 33	384 82	710 15	16 27
1917	341 59	368 56	710 15	17 08
1918	358 67	351 48	710 15	17 93
1919	376 61	333 54	710 15	18 83
1920	395 43	314 72	710 15	19 77
1921	415 21	294 94	710 15	20 76
1922	435 97	274 18	710 15	21 80
1923	457 76	252 39	710 15	22 89
1924	480 66	229 49	710 15	24 03
1925	504 69	205 46	710 15	25 24
1926	529 92	180 23	710 15	26 50
1927	556 42	153 73	710 15	27 82
1928	584 24	125 91	710 15	29 21
1929	613 45	96 70	710 15	30 67
1930	644 13	66 02	710 15	32 21
1931	676 33	33 82	710 15	33 82
	<u>\$8,850 00</u>			<u>\$442 50</u>

Passed in open Council this sixth day of February, 1911.

(Sgd) JOSEPH WHITE,
Town Clerk.

(Sgd) JAMES H. DOWNEY,
Mayor.

L. S.

CHAPTER

CHAPTER 122.

An Act respecting The Belleville Radial Railway Company.

Assented to 24th March, 1911.

WHEREAS The Belleville Radial Railway Company, hereinafter called "The Company," by its Act of Incorporation passed in the ninth year of the reign of His late Majesty King Edward VII, chaptered 129, was authorized to construct a railway as set forth in the said Act; and was permitted to have and to use and enjoy certain powers and privileges as in said Special Act set forth; and whereas the Company has by its petition prayed that the time for the commencement and completion of the said railway may be extended; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, and subject to the provisions hereinafter contained, the Company's said Act of Incorporation is declared to be and to have continued to be in force.

9 Edw. VII,
c. 129
declared
in force.

2. The construction of the said railway shall be commenced, and fifteen per cent. of the amount of its capital stock shall be expended thereon, within two years after the passing of this Act, and the said railway shall be completed and put into operation within five years from the passing of this Act, and if the construction of the railway is not commenced and fifteen per cent. of its capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within five years from the passing of this Act, then the powers granted to the company by the said Act and by this Act shall cease and be null and void as regards so much of the railway as then remains uncompleted.

Time for
commence-
ment and
completion.

CHAPTER 123.

An Act respecting The Dunnville, Wellandport and
Beamsville Electric Railway Company.*Assented to 24th March, 1911.*

Preamble

WHEREAS The Dunnville, Wellandport and Beamsville Electric Railway Company has by its petition represented that the said Company was incorporated under the name of The Dunnville, Wellandport and Beamsville Electric Railway Company by an Act passed in the sixth year of the reign of His late Majesty King Edward VII., Chaptered 107, as amended by an Act passed in the eighth year of the reign of His late Majesty King Edward VII., Chaptered 123, as further amended by an Act passed in the ninth year of the reign of His late Majesty King Edward VII., Chaptered 133, and as further amended by an Act passed in the tenth year of the reign of His late Majesty King Edward VII., Chaptered 140, for the purpose of constructing and operating an electric railway as set out in the said Acts; and whereas the said Company has by its petition prayed that the said railway be extended from, at or near the Village of Fenwick, in the Township of Pelham, in the County of Welland, to, at or near the Town of Welland, in the said County of Welland; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Extensions.

1. The Dunnville, Wellandport and Beamsville Electric Railway Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain an extension of the Company's railway to be operated by electricity, from, at or near the Village of Fenwick, in the Township of Pelham, in the County of Welland, to, at or near the Town of Welland, in the said County of Welland.

CHAPTER 124.

An Act respecting The Guelph Radial Railway Company.

Assented to 24th March, 1911.

WHEREAS The Guelph Railway Company was incorporated by An Act passed by the Legislature of the Province of Ontario in the 58th year of the reign of Her late Majesty, Queen Victoria, Chaptered 98, as amended by an Act passed in the 1st year of the reign of His late Majesty King Edward VII., Chaptered 79, and as further amended by an Act passed in the 3rd year of His late Majesty's reign, Chaptered 95, whereby the name of the Company was changed and the corporate name of the Company declared to be The Guelph Radial Railway Company, and certain further powers conferred upon the Company; and whereas by an Act passed in the 5th year of His late Majesty's reign, Chaptered 91, the said Act was further amended, and it was among other things provided in such last mentioned Act, that the time for the commencement and completion of the branches of the railway authorized by the said Acts relating to the Company, passed in the 1st and 3rd years of His late Majesty's reign, be extended for a period of three and five years respectively; and whereas by an Act passed in the 8th year of His late Majesty's reign, Chaptered 125, the time for the commencement and completion of the said branches of the railway authorized by the said Acts was extended for a further period of three and five years respectively; and whereas the said Company have entered into an agreement with The Peoples Railway Company for the construction and operation of a branch line from the City of Guelph to Puslinch Lake, and to Hespeler, upon the terms and conditions set out in a certain agreement entered into between the said Companies, bearing date the 15th day of August, 1910; and whereas The Guelph Radial Railway Company has by its petition prayed that an Act may be passed further extending the time for the commencement and completion of the construction of the several branch lines of its railway heretofore authorized to be constructed by the said Acts passed in the 1st and 3rd years of His late Majesty's reign, and that the

Preamble.

said

said agreement with the Peoples Railway Company may be ratified and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for
commence-
ment
and com-
pletion
of branch
lines
extended.

1. Notwithstanding anything to the contrary contained in section 2 of the Act passed in the 5th year of His late Majesty's reign, Chaptered 91, or in section 1 of the Act passed in the 8th year of His late Majesty's reign, Chaptered 125, the branches of The Guelph Radial Railway authorized by the Act passed in the 1st year of His late Majesty's reign, Chaptered 79, and by the Act passed in the 3rd year of His late Majesty's reign, Chaptered 95, shall be commenced within three years and completed within five years after the passing of this Act; and if the construction of the said branches of the railway authorized by the said Acts is not commenced within three years after the passing of this Act, or if the said branches of the railway authorized by the said last mentioned Acts are not completed and put in operation within five years from the passing of this Act, then the powers with respect to the said branches of the railway granted to the Company by the said Acts passed in the 1st year of His late Majesty's reign, Chaptered 79, and in the 3rd year of His late Majesty's reign, Chaptered 95, and by this Act, shall cease and be null and void as respects so much of the said branches of the railway as then remain uncompleted.

Agreement
with
People's
Railway
set out
in Sched.
"A"
confirmed.

2. The agreement entered into between The Guelph Radial Railway Company and The Peoples Railway Company, set forth in Schedule "A" of this Act, is ratified and confirmed, and declared legal, valid and binding upon the said Companies thereto.

SCHEDULE "A."

AGREEMENT MADE THE 15th DAY OF AUGUST, 1910.

BETWEEN,—

The Peoples Railway Company, hereinafter called the "Peoples Railway," of the First Part,

—and—

The Guelph Radial Railway Company, hereinafter called the "Guelph Radial," of the Second Part.

Whereas, The Peoples Railway has requested the Corporation of the City of Guelph, hereinafter called the "City," to assist in the construction of the lines of its Railway from Berlin to Guelph by way of New Germany, and from Guelph to Arthur by way of Elora and Fergus.

And

And whereas, the People's Railway, with the consent of the Guelph Radial and of the City, intend to apply to the Legislature of Ontario for authority to construct and operate branches of its Railway from Guelph to Hespeler and Puslinch Lake, and it has applied to the said City to assist in the construction also of that branch. The said branches of the People's Railway being severally hereinafter referred to as the Berlin-Guelph branch, the Guelph-Arthur branch, and the Guelph-Puslinch Lake branch respectively.

And whereas, the People's Railway has requested the said City to assist in the construction of the said branch lines of Railway, not only by subscribing for first preference capital stock in the Company to the amount of \$85,000.00 on certain terms and conditions, but by passing a By-law authorizing the construction, maintenance and operation of the said branch lines of Railway on certain terms and conditions upon and along certain streets or highways in the City.

And whereas, the Guelph Radial, under its Act of Incorporation, and the other Acts in amendment thereof, has certain rights over all the streets and highways in the City, and has also authority to construct certain branch lines of Railway, including a branch line from Guelph to Berlin, one to Arthur by way of Elora and Fergus, and one to Hespeler and Puslinch Lake.

And whereas, the People's Railway has applied to the Guelph Radial to grant its consent to the By-law proposed to be passed by the City, giving the People's Railway rights and privileges over certain highways in the City as hereinafter set forth, which By-law is hereinafter referred to as the Franchise By-law, and for the construction of the said three branches of the People's Railway in Guelph, and has offered and agreed with the Guelph Radial, and the latter has consented, to enter into the agreements hereinafter contained, and subject to the terms and conditions hereinafter set forth.

Now, therefore, this agreement witnesseth that the said People's Railway, for itself, its successors and assigns in consideration of the grant of the Franchise by the City herein referred to and the rights and privileges herein contained, and the said Guelph Radial, for itself, its successors and assigns, in consideration of the covenants and agreements hereinafter contained on the part of the said People's Railway, do hereby mutually covenant and agree the one with the other in manner following; that is to say:—

1. Subject to the performance by the People's Railway of the terms, conditions and stipulations aforesaid the Guelph Radial consents and agrees with the People's Railway that the said City shall, by the Franchise By-law, grant to the People's Railway authority to construct, maintain and operate the said several branches of its Railway in the City, but on and subject to the terms, conditions and stipulations therein contained and hereinafter set forth upon and along certain of the streets and highways in the said City as follows: For the Guelph-Berlin branch, and the Guelph-Arthur branch of the People's Railway, from a point on the Edinburgh Road in the said City to be reached from the north-western limit of the City over private right of way, thence on the Edinburgh Road to the intersection of that road with Paisley Street, thence on Paisley Street to Nelson Crescent, thence along the south-westerly side of Nelson Crescent across Norfolk Street to Quebec Street, thence along Quebec Street to the intersection of Quebec Street with St. George's Square, but not on to St. George's Square. It being understood that the connection of the Guelph-Arthur branch with the Berlin-Guelph branch shall be made at an intersection point within the City limits, and that the Guelph-Arthur branch shall then proceed north-westerly from said connecting point paralleling the line of the Grand Trunk Railway to the City limits, and shall thence proceed in as direct a line as practicable to the Village of Arthur by way of Elora and Fergus.

(a)

(a) For the Guelph-Puslinch Lake branch from some point on the Edinburgh Road between Waterloo Avenue and the River Speed, thence across the Edinburgh Road, thence to and across Fleet Street, thence to and across Bedford Street at an angle to Essex Street, thence along Essex Street to Waterloo Avenue, thence along Waterloo Avenue to Gordon Street and through the proposed subway, called the Gordon Street subway, out to Wilson Street, thence along Wilson Street to Sandilands Street, thence along Sandilands Street to McDonnell Street, thence along McDonnell Street westerly to Norfolk Street, thence on Norfolk Street to the intersection thereof with Quebec Street, where it shall connect with the Berlin-Guelph and Guelph-Arthur lines, and with a "Y" at the said intersection of Quebec and Norfolk Streets sufficient to "Y" one car and one trailer at a time.

(b) On Paisley Street, between Edinburgh Road and Arnold Street, there shall be a double track, one for the Guelph Radial and the other for the People's Railway. The track of the Guelph Radial shall be south of the track of the People's Railway, and the north rail thereof shall be six feet distant from the south rail of the People's Railway. The People's Railway shall have the right to cross the tracks of the Guelph Radial on Paisley Street at the intersection of Arnold Street, and for such purpose the People's Railway shall make a suitable crossing at its own expense and shall thereafter maintain the same. The portions of the street on which the said tracks respectively shall be laid shall be determined by the City Engineer. Should he determine to change the position of the present track of the Guelph Radial on Paisley Street then the People's Railway shall do all work and provide all material necessary to furnish for the Guelph Radial a suitable track on said street and overhead construction to the satisfaction of the Guelph Radial. The People's Railway shall make suitable crossing for the Guelph Radial over the curves of their line at Arnold Street and Edinburgh Road.

2. Through the Gordon Street subway and along Wilson Street the tracks of both the Guelph Radial and the People's Railway shall be so constructed that the two tracks together shall not occupy in width more than seven feet two inches. For such purpose the People's Railway shall supply and put in ties of sufficient length and quality to the satisfaction of the Guelph Radial. The People's Railway shall also construct all poles and overhead construction for both Roads through the Subway and along Wilson Street to the satisfaction of the Guelph Radial.

3. Neither the City nor the Guelph Radial shall be at any expense of paving either of the rights of way through such Subway or on Wilson Street, but such ways shall be suitably paved, and the People's Railway shall indemnify the City and Guelph Radial against any such expense of paving.

4. It is agreed that when a car on each of the said roads desires to pass through the said Subway and along Wilson Street at the same time the car or cars of the People's Railway shall wait and the car or cars of the Guelph Radial shall have the right of way.

5. The People's Railway shall also construct and maintain at the approaches to the said Subway and Wilson Street good and sufficient signals to warn approaching cars that a car or cars is or are in the said Subway or on Wilson Street and no two cars running in opposite directions shall enter the said Subway or Wilson Street at the same time, and if it should become necessary to station a man at the said Subway to give warnings, then such men shall be so stationed at the expense of the People's Railway Company.

6. It is also agreed by the People's Railway that it shall at the request of the Guelph Radial, construct and will maintain all necessary constructions to give the Guelph Radial connections with the People's Railway at the intersection of Wilson and Carden Streets, or at Paisley Street or at both, at the option of the Guelph Radial Railway Company.

7. It is also agreed by the People's Railway that it shall construct and will maintain all diamonds and intersections and other special work including overhead construction wherever its road shall cross or intersect the tracks of the said Guelph Radial.

8. Subject as aforesaid the Guelph Radial agrees to give to the People's Railway in connection with the construction by it of the Guelph-Puslinch Lake branch a right of way for its Railway in and over the lands belonging to the Guelph Radial at Puslinch Lake so as to set down and take up passengers near the Hotel at Puslinch Lake. Such right of way through such grounds to be determined by the People's Railway and Guelph Radial.

9. Subject as aforesaid and so far as the Guelph Radial has power so to do it consents to the erection and maintenance by the People's Railway of poles and wires upon and across the following streets for the conveyance of power for the operation of its Railway, namely:—

Commencing at the Hydro-Electric Power Commission's Transformer Station at or near Guelph, thence along Forest Street to the south-west limits of the City, thence on Silver Creek Street to the north-western limits of the City, all subject, however, to the conditions and stipulations hereof.

10. Subject as aforesaid the Guelph Radial agrees to suspend its Charter rights at present existing and as the same may be renewed so far as the construction and operation of branch lines of the Guelph Radial from Berlin to Guelph and from Guelph to Arthur, by way of Elora and Fergus, and from Guelph to Puslinch Lake and Hespeler are concerned, provided, however, that the Guelph Radial shall be at liberty to apply to the Legislature for an extension of time for the construction by it of the said branch lines of Railway, as well as of other branch lines of its Railway, and otherwise as it may deem proper.

11. Subject as aforesaid the Guelph Radial agrees to consent to an application by the People's Railway to the Legislature of Ontario for power to construct and operate a branch line to Hespeler and Puslinch Lake.

12. The People's Railway agrees with the Guelph Radial to so use the rights and privileges upon and over the streets and highways of the City of Guelph to be granted by the said Franchise By-law as not to interfere with the rights of the Guelph Radial in the construction, reconstruction, repair or operation of its lines of Railway, nor to interfere in any way with the power and rights of the Guelph Radial to extend its lines in any direction within the said City or over any branch now constructed or hereafter to be constructed by the Guelph Radial.

13. The People's Railway further agrees with the Guelph Radial that it will pay and bear all expenses whatsoever of the Guelph Radial in connection with any work which may be necessary or expedient to be done in connection with the exercise by the People's Railway of the rights and privileges over the streets of Guelph granted to it as aforesaid, and if the Companies differ as to such necessity or expediency the questions so in difference shall be determined by the Ontario Railway and Municipal Board.

14. The expenses in the preceding clause mentioned shall be conclusively ascertained by the Certificate of the City Engineer of the City of Guelph and be paid forthwith to the Guelph Radial by the People's Railway; that is to say, where the Guelph Radial shall have done the work in the preceding clause referred to, and such work shall have been necessary and expedient according to the terms of the said clause.

15. If at any time during the existence of the said franchise to the People's Railway the Guelph Radial shall desire to rebuild, change or shift any of its present tracks, or the new tracks to be laid through Gordon Street Subway, as herein referred to, or any of the works in connection therewith, and such rebuilding, changing or shifting of tracks or works shall be rendered or have become necessary or expedient because of the franchise granted to the People's Railway, then the People's Railway shall pay the expenses connected with such rebuilding, changing or shifting of tracks of the Guelph Radial or the works aforesaid, provided, however, that if the People's Railway shall dispute such alleged necessity or expediency then the question so in dispute shall be determined by the Ontario Railway and Municipal Board.

16. The People's Railway hereby agree from time to time and at all times hereafter to indemnify and save harmless the Guelph Radial from all claims and demands whatsoever arising out of or in connection with or incidental to the doing of any work by, for or under the People's Railway on or near the streets of Guelph or upon, in or over the Guelph Radial Railway Company's property, or the Guelph Radial Railway Company's property at Puslinch Lake, including all claims for damages arising not only from said work, but from the operation by the People's Railway of their Railway near the Guelph Radial.

17. The People's Railway agrees with the Guelph Radial that the Guelph Radial shall have the right to lease the said line of Railway from the City of Guelph to Hespeler and Puslinch Lake and the franchise thereof, such right to be exercised by the Guelph Radial at any time within five years to be computed from a period of time fifteen days after the said Railway shall have been completed, equipped and operated in terms of the agreement made by the People's Railway with the City, the rent to be payable under such lease to be five per cent. on the actual *bona fide* cash cost thereof, treating as part of such cost five per cent. of such actual cost to be added thereto, such cost to include the cost of acquiring the franchise from the Legislature, and of acquiring the right of way, engineering, grading, ties, rails, joints, bolts and all overhead material, electric equipment of every nature and kind for the operation of the said branch Railway (but shall not include cars), and shall not include anything for franchise, or in the nature of commission or profits direct or indirect to the People's Railway over and above the said actual *bona fide* cost of construction, except to the extent of the said five per cent.

18. And further, in the event of the said right to lease the road being exercised the lessees shall have the benefit of any franchise of the People's Railway for or over or in connection with the said line from Guelph to Hespeler and Puslinch Lake, including any franchise rights which the People's Railway may acquire from any Municipality, person or Company including the benefit of any running rights over any other Railway in connection with such branch, or the operation of the People's Railway, which they may acquire or use.

19. And if the said right to lease shall be exercised the lessees shall pay the said rent half-yearly and shall be liable for taxes and the cost of insuring the buildings, and shall be liable to repair to such an extent as that they shall be bound to maintain the Railway and appurtenances during the lease and to restore the same at the termination of the lease in as good condition as the same shall be in at the time the lessees take possession, and the said lease shall contain a right to purchase the line of Railway as leased and all the franchises thereof, said right of purchase to be exercised by the Guelph Radial by notice to be given six months before the principal money of the Mortgage Bonds, to be granted over the said branch road by the People's Railway, shall fall due, and to take effect upon the maturity of the said Bonds, the price to be paid

in

in the event of such purchase to be the said actual cost including the said five per cent. added thereto.

20. The People's Railway agree that the Guelph Radial shall, after the expiration of one year from the completion and commencement of operation of the Guelph-Puslinch Lake branch, have running rights over and the use of such Guelph-Puslinch Lake branch or of the part thereof for the whole year or for such periods or period of the year as the Guelph Radial may desire; And upon such terms as may be agreed upon between the two Companies, and if they shall fail so to agree the terms and conditions with respect to such running rights and use shall be determined by the Ontario Railway and Municipal Board.

20 (a) The People's Railway agree that the Guelph Radial may exercise its said right to have running rights over the said Guelph-Puslinch Lake branch as aforesaid and afterwards may exercise its right to lease hereunder, and also its right to purchase hereunder if it sees fit, or the Guelph Radial may exercise its said right to have running rights aforesaid and may afterwards exercise its right to purchase notwithstanding it may not exercise its right to lease and if such right to purchase after running rights, but without a lease shall be exercised then such right to purchase shall be exercised at the same time and on the same terms and subject to and under the same stipulations and provisions as are herein contained in connection with giving the Guelph Radial the right to purchase the said Railway under a lease.

21. Provided, and it is hereby agreed that in the event of the Guelph Radial Railway Company exercising its option to lease or purchase the Guelph-Puslinch Lake branch as aforesaid, the Guelph Radial may at its option, except from such lease or purchase that part of the said branch extending from the city limits to the Gordon Street Subway, such exception, if so made, to be made by the Guelph Radial at the time of exercising such option of leasing or of purchasing, and the rental or cost of purchase shall be regulated accordingly.

22. And the People's Railway agree that as soon as the said branch line to Hespeler and Puslinch Lake is completed and within fifteen days after the same shall have been operated as aforesaid, to furnish to the Guelph Radial a full account showing the said actual cost and shall furnish vouchers and proofs to verify such account, and the People's Railway agree that the Guelph Radial may at any time during the said period of five years have the right to appoint an auditor for the purpose of examining the books, receipts, vouchers and other documents of the People's Railway in order to ascertain the said *bona fide* actual cost of the said branch line, and the People's Railway agree to produce to the said auditor from time to time during such audit their books and other documents aforesaid.

23. It is further hereby agreed that if the two companies shall not agree with respect to what the said actual cost may or should have been, the matter in difference shall be determined either by some engineer or other person to be mutually agreed upon by the two companies, or shall be referred to the Ontario Railway and Municipal Board, and the decision of such referee or of such board in the premises shall be final.

24. And the People's Railway hereby agree that if the said Guelph Radial shall exercise the said option to purchase, such purchaser shall be entitled to a clear title to the whole line of Railway free from all encumbrances whatsoever, and shall also be entitled to all the charter rights and franchises of the People's Railway in respect of the said Guelph and Puslinch Lake line; and shall upon payment of the purchase money be entitled to such proper conveyances.

transfers

transfers and documents as may and shall absolutely vest in the Guelph Radial the said line of Railway and all that appertains thereto, and the charter therefor and the franchises connected therewith, including not only the franchise rights to be granted by the City, but the franchise rights which the People's Railway may acquire for such branch from any other Municipality, person or Company whatsoever, including the benefit of any running rights over any other Railway, which, in connection with such branch or the operation thereof, the said People's Railway may at any time hereafter acquire or use.

25. It being hereby also understood that the Guelph Radial, as lessees or purchasers, shall, if it so desires, be entitled to have such connections as may exist at the time of purchase continued between the Guelph-Puslinch Lake branch, and the Berlin-Guelph and Guelph-Arthur branches of the said Railway as shall exist within the City limits at the time of the said lease or purchase upon terms to be agreed upon between the Companies, or if they differ such terms to be settled by the Ontario Railway and Municipal Board.

26. It is further agreed by the parties hereto that if the Guelph Radial shall exercise its rights to lease or purchase or acquire running rights, the transactions shall be carried out and completed at the City of Guelph at a time to be fixed by notice to be given to the People's Railway by the Guelph Radial not less than six months before the time appointed for such completion, and such notice may be given either personally to the President or Secretary of the People's Railway or by registered letter through the Post Office, addressed to the Head Office of the People's Railway.

27. It is hereby declared that if any question in difference shall hereafter arise between the said Railways with regard to the use of the said streets of the City or any other matter connected with the said Railways in the said City, and the operation thereof, the Guelph Radial shall be deemed to be the Senior Railway, and also the Railway entitled to prior or vested rights in connection with all the streets and highways of and within the City and in respect of the present branches thereof in Guelph Township, and the operation of street or other Railways thereon, and the People's Railway shall be deemed only to possess and have such rights thereto as shall be conferred by the said City by the Franchise By-law herein referred to, and by this agreement, but subject to all the terms, conditions and stipulations of such Franchise By-law and of this agreement.

28. The People's Railway agree with the Guelph Radial that it will observe, fulfil and keep all the terms and conditions of the agreement, dated the 10th day of August, 1910, between it and the City with respect to the said branch Railways, and that it will also observe, fulfil and keep all the terms, conditions and stipulations on its part to be observed, fulfilled and kept, contained and set forth in the said Franchise By-law of the City.

29. The People's Railway further agree with the Guelph Radial that if by any act or default the People's Railway shall forfeit or shall cease to be entitled to the rights or franchise over the streets of the City, granted to it by the said last mentioned By-law of the said City, then they shall forfeit and cease to be entitled to the rights granted or conferred hereby to the said Railway over the said streets and all such rights in respect to any of the said branches not completed by the People's Railway, and put in operation by it as aforesaid, shall be forfeited and be at an end and the Guelph Radial shall thereupon be and become again entitled to have exercise and to resume all its franchises and rights with respect to the construction and operation of any uncompleted branch of said lines of Railway to Berlin, and to Hespeler and Puslinch Lake, and to Arthur, and that without let or hindrance of the People's Railway, and further the People's Railway, in the event of such forfeiture, with respect to the Guelph-Puslinch Lake branch agrees that it will
suspend

suspend in favor of the Guelph Radial any charter or franchise it may have acquired from the Legislature and otherwise to construct and operate the said branch to Guelph and Puslinch Lake and Hespeler for the period of eighteen months from time of such forfeiture or of its ceasing to be entitled to the rights or franchises granted by the said Franchise By-law.

Provided, however, if during such suspension the Guelph Radial does not itself, within such eighteen months, construct or procure to be constructed a branch Railway from Guelph to Puslinch Lake and Hespeler, then the People's Railway shall be at liberty to apply to the Legislature and procure a renewal of its charter to construct the line to Puslinch Lake and Hespeler, and thereupon shall be at liberty to go on with and build such branch and operate the Railway accordingly.

30. And the People's Railway agrees that wherever it shall lay tracks near the Guelph Radial Railway hereunder it shall not in removing snow and ice spread the snow or ice upon, over or towards the tracks of the Guelph Radial Railway.

31. The People's Railway shall not be at liberty to do any local business in the said City and shall not compete with the Guelph Radial. The words "local business" herein shall mean or include the carrying of passengers or freight from one part of the City to another, but the People's Railway may carry passengers from any part of the City along their line of Railway to points on their branches outside of the said City and may carry passengers from such points outside of the City to any part of the City on their line of Railway therein.

32. The People's Railway agree to construct and complete and put in operation the said three branches of their Railway according to the terms of the said agreement made by them with the City of Guelph.

33. The People's Railway agree in due course to apply to the Legislature for authority to construct and operate the said branch Railway to Hespeler and Puslinch Lake with authority to lease and sell the same and the franchise therefor and to give to the Guelph Radial running rights thereon all according to the terms hereof, and to have this Agreement ratified and confirmed, and to take all steps and proceedings necessary on their part to procure such authority as well as to have the Legislature ratify and confirm this agreement.

34. If the People's Railway does not construct and put in operation the said branches of the said railway within the times and according to the terms of the said agreement with the City, but if, notwithstanding, the People's Railway shall have made substantial and satisfactory progress with the several works towards the completion thereof, and shall *bona fide* appear to be continuing to make such progress then so far as the rights granted to the People's Railway under the Franchise By-law and under these presents are concerned, the same shall not be forfeited or rendered null and void unless the People's Railway shall fail to construct and operate all the said branches of said Railway according to the terms of the said agreement with the City and of the said franchise and of these presents by the 30th day of June, 1913, and if the said Company shall so fail to construct and operate all the said branches by the said last mentioned date then the said Company shall forfeit all the franchise and privileges conferred by the said Franchise By-law, or by the said agreement or by this agreement in respect of any branch of the said Railway then incomplete and then not in operation according to the terms of the said agreement and of the said Franchise By-law and of this agreement and time shall be of the essence of this clause; that is to say, under no circumstances shall the said Company be entitled to any further time than the 30th day of June, 1913, for the construction of all the said branches. Provided, however, that nothing in this clause contained shall affect the right of the City to insist so far as its liability to sub-

scribe

scribe and pay for preference stock is concerned, on prompt compliance with the terms of the agreement aforesaid, and if the said terms of the said agreement are not strictly complied with in regard to the times of completion and operation therein fixed of the various branches of the said Railway, the City shall not be liable to subscribe or pay for preference stock.

(a) Provided further that if the City or the Guelph Radial shall consider that the People's Railway have not made or are not making substantial or satisfactory progress with the work of constructing the said several branches or are not in good faith and energetically prosecuting the work they or either of them may serve a notice upon the People's Railway requiring it, within three months (suitable for performing work) from the delivery of such notice, to properly proceed with and carry on the work of construction of the said Railway or any branch in a substantial and satisfactory and energetic manner, and if the said People's Railway shall not in good faith and *bona fide* comply with such notice, then the City or the Guelph Radial, or both, may apply to the Ontario Railway and Municipal Board to declare, and such Board may, by its Order, declare the franchise and privileges conferred by the said Franchise By-law, and by this agreement, to be forfeited and null and void, and any Order of the said Board to be made with respect to or upon such application shall be final and binding, and it is understood that the words herein "three months suitable for performing work" shall mean that no part of such three months shall extend beyond the First day of December, or commence earlier than the First day of April in any year.

(b) Provided, however, that the said Board shall not have power to extend the time for the completion of any of the said branches beyond the 30th day of June, 1913. Any notice under this or any other clause may be given to the People's Railway by registered letter to be posted addressed to the Head Office of the People's Railway.

35. This agreement shall take effect if and when the same shall have been ratified by Act of the Legislature of the Province of Ontario.

36. This agreement shall be binding on not only the said People's Railway and the Guelph Radial, but also on their and each of their successors and assigns forever.

In Witness Whereof the said parties hereto have hereunto affixed their Corporate Seals.

Sealed and Delivered and Countersigned respectively by Nathan Richard Bugg, President of the People's Railway Company, and William Alfred Bugg, Secretary of the People's Railway Company; and James Walter Lyon, President of the Guelph Radial Railway Company, and Joseph Pequegnat, Secretary of the Guelph Radial Railway Company.

In the Presence of:

(Sgd.) V. H. HATTIN.

(Sgd.) THE PEOPLE'S RAILWAY,
N. R. BUGG, *President*.

(Sgd.) THE PEOPLE'S RAILWAY,
W. A. BUGG, *Secretary*.
(Corporate Seal People's Railway.)

(Sgd.) J. W. LYON,
President Guelph Radial
Railway Co.

(Sgd.) JOSEPH W. PEQUEGNAT,
Secretary Guelph Radial
Railway Co.

(Corporate Seal Guelph Radial Railway Company.)

CHAPTER

CHAPTER 125.

An Act respecting International Railway Company
and International Traction Railways.*Assented to 24th March, 1911.*

WHEREAS International Railway Company has, by Preamble
petition, represented that pursuant to the provisions
of Chapter 86 of the Acts passed in the first year of His late
Majesty's reign, as amended by Section 30 of Chapter 12 of
the Acts passed in the 2nd year of His late Majesty's reign,
and pursuant to an Act of the Parliament of the Dominion
of Canada, 63 and 64 Victoria, Chapter 54, as amended by
an Act of the Parliament of the Dominion of Canada, 2
Edward VII., Chapter 43, it has become possessed of and
invested with all the estate, property, name, rights, privileges
and franchises of The Niagara Falls Park and River Rail-
way Company, and International Railway Company has by
its petition prayed that an Act may be passed to remove any
possible doubt or question as to the right of International
Traction Railways as its successor to hold and carry on the
estate, property, name, rights, privileges and franchises afore-
said, and that it be enacted as hereinafter set forth; and
whereas it is expedient to grant the prayer of the said peti-
tion;

Therefore His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. International Traction Railways may acquire and be Acquisition
come possessed of all the estate, property, name, rights, of property
privileges and franchises of International Railway rights,
Company within the Province of Ontario, and is invested franchises,
with and entitled to all the powers, privileges and rights of etc., of
a corporation under the name of International Traction International
Railways necessary for the convenient and proper carrying Railway
on of the business and undertaking of International Rail- Company.
way Company in Ontario and nothing in this Act shall in
any way impair, alter or affect the liabilities of Inter-
national Railway Company, but International Traction Rail-
ways shall be responsible for them and they shall become
the

the liabilities of International Traction Railways and may be enforced against it and nothing in this Act shall in any wise affect any suit or proceeding now pending or judgment existing either by or in favour of or against International Railway Company which may be prosecuted, continued, completed or enforced, as if this Act had not been passed, and nothing in this Act shall in any way enlarge any rights heretofore conferred upon International Railway Company, or validate any rights claimed by International Railway Company to have been heretofore conferred upon it.

Powers of
Commissioners of
Queen
Victoria
Niagara
Falls Park
not
affected.

2. Notwithstanding anything in this Act contained the jurisdiction and control of the Commissioners for the Queen Victoria Niagara Falls Park in respect to matters placed under their jurisdiction and control by virtue of Chapter 96 of the Acts passed in the 55th year of the reign of Queen Victoria and the powers of the Legislature of the Province of Ontario in respect of The Niagara Falls Park and River Railway Company or International Railway Company or International Traction Railways, shall continue the same as if this Act had not been passed.

Certified
copy of
instrument
of transfer
to be filed
in office of
Provincial
Secretary.

3. A duplicate or certified copy of the document evidencing the succession in interest of International Traction Railways shall be filed in the office of the Provincial Secretary of the Province of Ontario before the coming into force of this Act, and notice of such filing shall then be given by International Traction Railways in *The Ontario Gazette*.

Date of
commence-
ment of
Act.

4. This Act shall not come into force until so declared by proclamation of the Lieutenant-Governor-in-Council.

CHAPTER 126.

An Act to incorporate the Niagara Frontier Electric Railway Company.

Assented to 24th March, 1911.

WHEREAS, Welland E. B. McKenzie, of the Village of Chippawa, in the County of Welland, Merchant; Thomas Flommerfelt, of the said Village of Chippawa, Hotel-keeper; William C. Perkins, of the said Village of Chippawa, Civil Engineer; Edward Garrett, of the City of Niagara Falls, in the said County of Welland, Manager, and George H. Pettit, of the Town of Welland, in the said County of Welland, Barrister-at-Law, have by their Petition, prayed for an Act of Incorporation, under the name of the "Niagara Frontier Electric Railway Company," for the purpose of constructing and maintaining a railway to be operated by electricity from a point in or near the Town of Niagara-on-the-Lake, in the County of Lincoln, to a point in or near the Village of Fort Erie, in the County of Welland, passing through the Township of Niagara and the Village of Queenston, in the said County of Lincoln, and through the Townships of Stamford, Willoughby and Bertie and the Villages of Chippawa and Bridgeburg and the City of Niagara Falls, in said County of Welland, and with power to dispose of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act*; and whereas it is expedient to grant the prayer of the said Petition,

⁷Edw. VII.
c. 19.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Welland E. B. McKenzie, Thomas Flommerfelt, William C. Perkins, Edward Garrett and George H. Pettit, and such other persons, firms and corporations as shall hereafter become shareholders in the said Company, are constituted a body corporate and politic under the name of the "Niagara Frontier Electric Railway Company."

Incorporation.

Location
of line.

2. The said Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by electricity from a point in or near the Town of Niagara-on-the-Lake, in the County of Lincoln, to a point in or near the Village of Fort Erie, in the County of Welland, passing through the Township of Niagara and the Village of Queenston, in the said County of Lincoln, and through the Townships of Stamford, Willoughby and Bertie and the Villages of Chippawa and Bridgeburg and the City of Niagara Falls, in said County of Welland.

Provisional
Directors.

3. The said Welland E. B. McKenzie, Thomas Flommerfelt, William C. Perkins, Edward Garrett and George H. Pettit shall be and are constituted a Board of Provisional Directors of the said Company.

Head
office.

4. The Head Office of the said Company shall be at the City of Niagara Falls, in said County of Welland.

Capital
stock.

5. The Capital Stock of the said Company shall be \$500,000.00.

Number of
directors.

6. The Board of Directors of the said Company shall consist of not less than five and not more than twelve persons.

Bonds and
debentures.

7. The Company may issue bonds, debentures or other securities to the extent of \$25,000 per mile of railway constructed or under contract to be constructed.

Contracting
for dispos-
ing of
power.

8.—(1) The Company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act*.

7 Edw. VII.,
c. 19.

Restrictions
in munici-
palities.

(2) The Company shall not supply electricity in any municipality except under a by-law passed by the Council of the municipality, or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Rates for
supply.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation.
company

company or person, the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof, will hear and determine the matter in dispute.

(4) Such notice of such appointment as the Chair-^{Disputes as to rates charged.}man may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company, and directing the amendment of any by-law or agreement accordingly.

(5) The said Commission, or the member thereof con-^{Powers of Commission.}ducting the hearing, shall have the powers authorized to be conferred upon a commissioner appointed under *The*^{8 Edw. VII., c. 8.} *Public Inquiries Act*.

(6) If the Company neglects or refuses to obey or^{Penalty for disobeying orders of Commission.} carry out the order or direction of the said Commission, or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue.

(7) The Company shall keep entirely separate and^{Separate accounts to be kept.} distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

9. The provisions of *The Ontario Railway Act, 1906*,^{Application of 6 Edw. VII., c. 30.} applicable to railways to be operated by electricity except where inconsistent with the provisions of this Act, shall apply to the said Company and the railway constructed or to be constructed under this Act.

CHAPTER 127.

An Act to Incorporate The Ottawa, Smith's Falls and Kingston Railway Company.

Assented to 24th March, 1911.

Preamble.

WHEREAS Robert H. McElroy, of the unincorporated Village of Carp, Merchant; Frederick A. Heney, Gentleman, George Boyce, Yeoman, and J. E. Caldwell, Yeoman, all of the Township of Nepean; J. C. Graham, Hotelkeeper, and D'Arcy T. Clayton, Clergyman, both of the Township of North Gower; E. P. McGrath of the City of Ottawa, Lumber Merchant; G. L. Dickinson, Manufacturer and Dennis Clark, Hotelkeeper, both of the unincorporated Village of Manotick, all in the County of Carleton; T. A. Kidd, of the unincorporated Village of Burritt's Rapids, Merchant, and A. E. Baker, of the Village of Merrickville, Barrister-at-Law, both in the County of Grenville; W. J. Scott, of the Village of Lanark, in the County of Lanark, Physician, and J. S. R. McCann, of the City of Kingston, in the County of Frontenac, Insurance Broker, have by their Petition prayed for an Act of Incorporation under the name of "The Ottawa, Smith's Falls and Kingston Railway Company" for the purpose of constructing and maintaining a railway to be operated by steam, electricity or other motive power from a point at or near the City of Ottawa, in the County of Carleton, to a point at or near the City of Kingston, in the County of Frontenac, and passing through the Townships of Nepean, North Gower and Marlborough, in the said County of Carleton, thence through the Township of Montague, in the County of Lanark, to the Town of Smith's Falls, in the said County of Lanark, thence by the most feasible route through the Townships of Elmsley, Kitley and Bastard, South Burgess, South Crosby and Leeds, in the County of Leeds, thence through the Township of Pittsburgh, in the County of Frontenac, or through the Townships of Storrington and Kingston, in the said County of Frontenac as shall be found most feasible, to a point at or near the said City of Kingston, with a branch line from the said Town of Smith's Falls north-westerly through the said Township of Elmsley

Elmsley to the Town of Perth, in the said County of Lanark, thence northerly through the Townships of Drummond and Lanark, in the said County of Lanark, to the Village of Lanark, in the said County of Lanark; and with power to dispose of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act*, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

⁷ Edw. VII.
c. 19.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Robert H. McElroy, T. A. Kidd, Frederick A. Heney, George Boyce, J. C. Graham, A. E. Baker, J. S. R. McCann, J. E. Caldwell, D'Arcy T. Clayton, E. P. McGrath, G. L. Dickinson, Dennis Clark and W. J. Scott, and such other persons, firms and corporations as shall hereafter become shareholders of the said Company are hereby constituted a body corporate and politic under the name of "The Ottawa, Smith's Falls and Kingston Railway Company," hereinafter called "the Company."

Incorporation.

2. The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, electricity or other motive power from a point at or near the City of Ottawa, in the County of Carleton, to a point at or near the City of Kingston, in the County of Frontenac, and passing through the Townships of Nepean, North Gower and Marlborough, in the said County of Carleton, thence through the Township of Montague, in the County of Lanark, to the Town of Smith's Falls, in the said County of Lanark, thence by the most feasible route through the Townships of Elmsley, Kitley and Bastard, South Burgess, South Crosby and Leeds, in the County of Leeds, thence through the Township of Pittsburgh, in the County of Frontenac, or through the Townships of Storrington and Kingston, in the said County of Frontenac, as shall be found most feasible, to a point at or near the said City of Kingston, with a branch line from the said Town of Smith's Falls north-westerly through the said Township of Elmsley to the Town of Perth, in the said County of Lanark, thence northerly through the Townships of Drummond and Lanark, in the said County of Lanark, to the Village of Lanark, in the said County of Lanark.

Location of line.

3. The Head Office of the Company shall be at the City of Ottawa, in the County of Carleton.

Provisional
directors.

4. The said Robert H. McElroy, T. A. Kidd, Frederick A. Heney, George Boyce, J. C. Graham, A. E. Baker, J. S. R. McCann, J. E. Caldwell, D'Arcy T. Clayton, E. P. McGrath, G. L. Dickinson, Dennis Clark and W. J. Scott shall be the provisional directors of the said Company.

Board of
directors.

5. The Board of Directors of the Company shall consist of not less than five and not more than fourteen persons.

Capital
stock.

6. The capital stock of the Company shall be \$1,000,000.

Bonds and
debentures.

7. The Company may issue bonds, debentures or other securities to the extent of \$30,000 per mile of railway constructed or under contract to be constructed.

Power to
amalgamate
with and
make
running
arrange-
ments with
other
companies

8. The Company may, subject to the provisions of *The Ontario Railway Act, 1906*.

(a) Amalgamate with any other electric or steam railway now or hereafter incorporated which operates wholly or in part within the territory above described.

(b) Acquire by purchase or lease any electric or steam railway operating wholly or in part within the territory above described, or any part of the trackage or rolling stock of any such railway.

(c) Acquire running rights over any other railway operating within the said territory.

Contracting
for disposing
of
power.

7 Edw. VII,
c. 19.

9.—(1) The Company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act*.

Restrictions
in munici-
palities.

(2) The Company shall not supply electricity in any municipality except under a by-law passed by the Council of the municipality, or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Rates for
supply.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the Company is charging

rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person, the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof, will hear and determine the matter in dispute.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company, and directing the amendment of any by-law or agreement accordingly.

(5) The said Commission, or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a commissioner appointed under *The Public Inquiries Act*.

(6) If the Company neglects or refuses to obey or carry out the order or direction of the said Commission, or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

10. The Company may acquire the plant and property for, and carry on the business of an express company.

11. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall apply to the Company and to the railway to be constructed by it.

CHAPTER 128.

An Act respecting The Ottawa and St. Lawrence Electric Railway Company.

Assented to 24th March, 1911.

Preamble.

WHEREAS The Ottawa and St. Lawrence Electric Railway Company has, by petition, represented that the said Company was incorporated under the name of The Ottawa and St. Lawrence Electric Railway Company by an Act passed in the 9th year of His late Majesty's reign, Chaptered 140, for the purpose of constructing and operating an electric railway from a point on the boundary line between the Province of Quebec and the Province of Ontario, situate in the Township of Lancaster, in the County of Glengarry, running westerly along the north shore of the St. Lawrence River, to and through the said Township of Lancaster and the Township of Charlottenburgh, in the said County of Glengarry, and the Township of Cornwall, in the County of Stormont, to the Town of Cornwall, in the said County of Stormont, thence through the said Township of Cornwall and the Township of Osnabruck, in the said county of Stormont, the Townships of Williamsburg and Matilda in the County of Dundas, the Townships of Edwardsburg and Augusta, in the County of Grenville, and the Township of Elizabethtown, in the County of Leeds, to the Town of Brockville, in the said County of Leeds; thence north-westerly through the counties of Leeds and Lanark to the Township of Darling, in the said County of Lanark, touching the Villages of Athens, in the Township of Young in the said County of Leeds, and Lanark, in the Township of Lanark, in the said County of Lanark, and the Town of Perth, in the said County of Lanark, and connecting with the Lanark County Electric Railway; and from the Town of Morrisburg, in the said County of Dundas, north through the Counties of Dundas, Russell and Carleton, to the City of Ottawa, in the County of Carleton, connecting with the Lanark County Electric Railway, touching the Villages of Winchester and Ormond, in the Township of Winchester, in the County of Dundas, and the Villages of Kenmore and Metcalf, in the Township of Osgoode, in the County of

Carleton;

Carleton; with a branch from the said Village of Kenmore, to the Village of Russell, in the Township of Russell, in the County of Russell, connecting with the Ottawa and New York Railway; and whereas the said Company has by its petition prayed that the time for the commencement and completion of its undertaking be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, the railway authorized by the said Act passed in the 9th year of His late Majesty's reign, Chaptered 140, and by this Act shall be commenced and 15 per cent. of the capital stock expended thereon within two years from the passing of this Act and completed within five years from the passing of this Act; and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within five years from the passing of this Act, then the powers granted to the Company by the said Act and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for
commence-
ment and
completion.

2. Save and except as herein provided, the said Act, passed in the 9th year of His late Majesty's reign, Chaptered 140, is confirmed and declared to be, and to have been, from the date of the passing of the said Act, in force, and all acts and proceedings of the said Company, or of the provisional directors thereof within their powers, and notwithstanding informalities (if any) are confirmed and declared legal, valid, binding, and of full force and effect.

9 Edw. VII.,
c. 140,
declared
to be in
force.

CHAPTER 129.

An Act respecting The Peoples Railway Company.

Assented to 24th March, 1911.

Preamble

WHEREAS The Peoples Railway Company has, by Petition, represented that the said Company was duly incorporated under the name of The Peoples Railway Company by an Act passed in the ninth year of the Reign of His Majesty King Edward the Seventh, Chaptered 141, as amended by an Act passed in the tenth year of the Reign of His Majesty King Edward the Seventh, Chaptered 149, for the purpose of constructing and operating an electric railway as set out in the said Acts; And whereas the said Company has by its petition prayed that the proposed line of its railway be extended from a point on the main line of the said railway at or near the City of Guelph in the County of Wellington, to the Town of Hespeler in the Township of Waterloo, in the County of Waterloo, with a branch from the main line at or near Kribs Mill to a point at or near Puslinch Lake in the Township of Puslinch in the said County of Wellington; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain
extensions
authorized.

1. The Peoples Railway Company is authorized and empowered to lay out, construct, equip, maintain and operate by electricity or other motive power, except steam, an extension of the Company's Railway from a point on the main line of their railway at or near the City of Guelph, in the County of Wellington, to the Town of Hespeler, in the Township of Waterloo, in the County of Waterloo, with a branch from the main line, at or near Kribs Mill, to a point at or near Puslinch Lake, in the Township of Puslinch, in the said County of Wellington.

CHAPTER 130.

An Act to amend an Act relating to the Sandwich,
Windsor and Amherstburg Railway.*Assented to 24th March, 1911.***W**HEREAS the Municipal Corporation of the Town of Preamble.

Sandwich has by its petition represented that the Sandwich, Windsor and Amherstburg Railway was incorporated by a Special Act; and whereas the said Town of Sandwich has by its petition prayed for an Act to limit the duration of the franchise of the Sandwich, Windsor and Amherstburg Railway in the said Town of Sandwich, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 11 of the Act passed in the 56th year of ^{56 Vic., c.} the reign of Her late Majesty Queen Victoria, Chaptered ^{97, s. 11,} 97, and intituled *An Act to amend the Acts relating to the Sandwich, Windsor and Amherstburg Railway* shall not ^{not to affect rights of Town of Sandwich.} prejudice or affect the rights, powers and privileges of the said Town of Sandwich existing or enjoyed by the said Town of Sandwich prior to the passing of the said Act.

2. The privilege for the use and occupation of such ^{Franchise of Sandwich, Windsor and Amherstburg Railway limited to twenty years.} of the streets and highways upon which the Sandwich, Windsor and Amherstburg Railway now operate their cars in the said Town of Sandwich given by the Acts passed in the 35th year of the reign of Her late Majesty Queen Victoria, Chaptered 64, in the 50th year of the reign of Her late Majesty Queen Victoria, Chaptered 80, and in the 56th year of the reign of Her late Majesty Queen Victoria, Chaptered 97, are subject to the terms of the said Acts continued for a period of twenty years from the passing of this Act.

6 Edw. VII.,
c. 80, s.
208, to
apply.

3. Section 208 of *The Ontario Railway Act, 1906*, shall apply as if the privileges aforesaid had been granted by the Municipality of the Town of Sandwich for a period of twenty-five years under *The Ontario Railway Act, 1906*, but sections 193, 202, 203, 204, 205 and 207 of the said *The Ontario Railway Act, 1906*, shall not apply to the said Railway.

CHAPTER 131.

An Act to Incorporate The Stratford Railway Company.

Assented to 24th March, 1911.

WHEREAS Thomas O. Robson, Archie Baird and ^{Preamble.} Henry L. Rice, all of the Town of St. Mary's, in the County of Perth; David Bonis of the Township of Blanshard, in the said County of Perth; Benjamin Williams, Andrew Waddell and J. D. Monteith, all of the City of Stratford in the said County of Perth, have by their petition prayed for an Act of incorporation under the name of "The Stratford Railway Company," for the purpose of constructing and maintaining a surface street railway to be operated by electricity in the City of Stratford; and also with power to the said Company to take over a franchise for a street railway service granted by the said City of Stratford under By-law No. 1739 of the said City, passed on the 15th day of August, A.D. 1910, set out as Schedule "A" hereto and confirmed by Agreement dated 23rd day of September, A.D. 1910, set out as Schedule "B" hereto, and made between the said Thomas O. Robson, Henry L. Rice, David Bonis and Archie Baird and the Corporation of the City of Stratford, and to confirm said By-law and Agreement; and whereas it is expedient to grant the prayer of the said Petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Thomas O. Robson, Archie Baird, Henry L. ^{Incorporation.} Rice, David Bonis, Benjamin Williams, Andrew Waddell and J. D. Monteith, together with such other persons or corporations as shall become shareholders of the Company hereby incorporated, are hereby constituted a body corporate and politic by the name of "The Stratford Railway Company," hereinafter called "the Company."

Provisional
directors.

2. The persons named in section 1 of this Act are constituted the provisional directors of the Company.

Capital
stock.

3. The capital stock of the Company shall be \$200,000.

Head office.

4. The head office of the Company shall be at the City of Stratford, in the County of Perth.

Number of
directors.

5. The Board of Directors of the Company shall consist of not less than five nor more than nine persons.

Power to
take over
franchise
granted by
City of
Stratford to
certain
persons.

6. The Company may, as soon as it is incorporated and its organization completed under the terms of this Act and of *The Ontario Railway Act, 1906*, take over a franchise granted by the said City of Stratford to Thomas O. Robson, Henry L. Rice, Archie Baird and David Bonis, and confirmed by said Agreement, and wherever in the said By-law No. 1739 set out as Schedule "A" hereto or in the Agreement entered into in pursuance of the said By-law set out as Schedule "B" hereto, the said Thomas O. Robson, Henry L. Rice, Archie Baird and David Bonis covenant or agree to do, observe, fulfil and keep any covenant, agreement or condition the said Company after the privileges granted by the said By-law and Agreement have been assigned to them shall be bound to observe, fulfil and keep such covenant, agreement and condition, and such covenant, agreement and condition shall be as binding upon the said Company as if it were expressly named as parties of the first part in the said agreement instead of the said Thomas O. Robson, Henry L. Rice, Archie Baird and David Bonis.

Power to
construct
and operate
street rail-
way in City
of Stratford.

7. The Company is authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity a street railway in the City of Stratford upon the terms and conditions contained in the said By-law and agreement.

Issue of
bonds.

8. The Company may issue bonds, debentures, or other securities to the extent of \$30,000 a mile of single track of the said railway constructed or under contract to be constructed, and to the extent of \$60,000 per mile of double track of said railway constructed or under contract to be constructed.

Time for
commence-
ment and
completion
of line.

9. The railway authorized by this Act to be constructed in the City of Stratford shall be commenced within the time specified in the By-law of the said City of Stratford or within such further time as the Council of the City of Stratford may direct, and shall be completed within the

time

time specified in the said By-law or such further time as the Council of the said City of Stratford may direct.

10. By-law No. 1739 of the said City of Stratford, ^{By-law No. 1739 of city of Stratford, and agreement between city and Thos. O. Robson, et al. confirmed.} passed on the 15th day of August, 1910, set forth in Schedule "A" to this Act, and the Agreement dated September 23rd, 1910, made between the said Thomas O. Robson, Henry L. Rice, David Bonis and Archie Baird and the Corporation of the said City of Stratford set forth in Schedule "B" to this Act, are ratified and confirmed and declared legal, valid and binding upon the parties thereto.

11. If the Company shall fail or neglect to keep, observe, perform or comply with any of the provisions of the said By-law set out in Schedule "A" hereto in which the residents of the Municipality or the Corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the Company, the Corporation or any ratepayer in said City may bring an action in the High Court of Justice against the Company and all other necessary parties to compel the keeping, observing, performing of and complying with such provisions; and the Court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise the due observance, performance and fulfilment by the Company and its officers and other persons of all provisions of the said By-law in which residents of the Municipality or the Corporation or any other person or Corporation are interested. ^{Provisions of By-law enforceable in High Court.}

12. In case any one whose duty it may be to carry out or observe or see that a proper person has been employed to carry out or observe any of the regulations contained in paragraph 21 of the said by-law, set out in Schedule "A" hereto (or amending regulation duly made by the Council of said City) fails to discharge his duty in the premises, he shall be liable to be prosecuted before the Police Magistrate of said City or other Justice or Justices of the Peace for an infraction of said by-law and upon conviction thereof shall forfeit and pay, at the discretion of said Police Magistrate or other Justice or Justices of the Peace, a penalty not exceeding fifty dollars for each offence, exclusive of costs, and the costs of such prosecution, and in default of payment forthwith the convicting Magistrate or Magistrates or any two of them may issue a warrant under his or their hand and seal, or hands and seals, to levy the said penalty and costs, or costs only, by distress and sale of the offender's or offenders' goods and chattels; and in case of no sufficient distress to satisfy the said penalty and costs, it shall and may be lawful for the Mayor, Police Magistrate, Justice or Justices convicting, as

aforesaid,

aforesaid, to commit the offender or offenders to the County Jail or House of Correction for any period not exceeding twenty-one days, unless the said penalty be sooner paid.

Application
of § Edw.
VII, c. 30.

13. The provisions of *The Ontario Railway Act, 1906*, applicable to railways operated by electricity, except where inconsistent with the provisions of this Act, shall apply to the Company and the railway constructed or to be constructed by it.

SCHEDULE "A."

BY-LAW NO. 1739 OF THE CITY OF STRATFORD.

A By-law to grant certain privileges to The Stratford Railway Company.

Whereas Thomas O. Robson, of the Township of Blanshard, in the County of Perth, Drover; Henry Lincoln Rice, of the Town of St. Mary's, in the County of Perth, Produce Merchant; David Bonis, of the said Township of Blanshard, Farmer; Archie Baird, of the said Town of St. Mary's, Manufacturer, propose to have a Company incorporated under the laws of the Province of Ontario, to be known as The Stratford Railway Company, for the purpose of operating lines of electric railway in and through the City of Stratford and in the neighborhood thereof, and for other incidental purposes, and they have requested the Corporation of the City of Stratford to pass a By-law authorizing the construction, operation and maintenance of certain lines of electric railway in, upon, across and over certain streets in the City of Stratford;

And whereas it is desirable to grant the said request on the conditions and restrictions hereinafter set forth;

And whereas due notice of the application for this By-law has been given pursuant to the provisions of *The Ontario Railway Act*;

And whereas the words "The Company," wherever the same are used in this By-law, are intended and are declared to mean either the said Thomas O. Robson, Henry Lincoln Rice, David Bonis and Archie Baird, or the Company to be incorporated as aforesaid, unless the context shall exclude such meaning or indicate that only the Company so incorporated is intended;

Now therefore the Municipal Council of the Corporation of the City of Stratford enacts as follows:

1. The Company are hereby authorized to lay out, construct, complete, equip, maintain and operate lines of electric railway for the passage of cars, carriages and other vehicles adapted to the same, and also to convey electricity required for the working of the railway and for heating and lighting the same, along the streets and parts of streets hereinafter mentioned, and for that purpose to erect poles and wires on, over and along the streets hereinafter mentioned, the rights hereby given to continue for and during the term of twenty-five years from the passing of this By-law, subject to the terms and conditions hereinafter contained, the said streets to be the following:

Huron Street, from the western city limits to Ontario Street; George Street, from St. Patrick to Downie Street; Mornington Street from James Street to Princess Street; Ontario Street, from Huron Street

Street to the level crossing of the Grand Trunk Railway, King Street; Douro Street, from King Street to Downie Street; Front Street north of Grand Trunk Railway yards; Downie Street, from Ontario Street to Shakespeare Street; Erie Street, from Ontario Street to the level crossing of the Grand Trunk Railway; St. Patrick Street; Princess Street.

2. The Company may construct and operate sidings or spurs from any of the lines of railway to be constructed hereunder and which traverse any street or part of street upon which any factory property fronts or abuts, to any factory property that fronts or abuts upon the portion of street which is traversed by the said railway, but before the Company shall commence to construct any such siding or spur it shall first obtain the consent and approval of the City Engineer, to whom shall be submitted proper plans and drawings, showing the work proposed to be done, and all such sidings and spurs shall be constructed, maintained and operated subject to the provisions of this By-law.

3. The said Railway, with the poles and wires, shall be constructed according to the most modern and approved methods used in the construction of electric railways, and the City Engineer shall be the sole judge as to the compliance or non-compliance on the part of the said Company with the said stipulation, and such Engineer shall also determine in every case whether the line shall be laid in the centre of the highway, or in some other part of it to be determined by him.

4. The Company may construct such sidetracks, switches and turn-outs, and at such places and in such manner as the City Engineer may from time to time authorize.

5. The Company may, subject to the provisions of this By-law, carry freight and baggage, as well as passengers, over their lines of railway within the city, and may charge reasonable compensation therefor, but except with the permission of the Council of the Corporation the Company shall carry freight only over and upon the following streets and parts of streets: George Street, St. Patrick Street, Douro Street, King Street, Front Street, James Street, Mornington Street from James Street to Princess Street, and Princess Street.

6. The Company shall not collect or deliver freight on any of the said streets except from sidings or from a freight shed, or allow freight cars to stand on any of the said streets except on sidings designated for that purpose by the City Council, nor shall more than three freight cars be drawn in any one train in traversing any of the said streets.

7. No new line or extension or additional track shall be built by the Company on any of the streets of the said City of Stratford, except under authority first obtained by by-law of the Council of the Corporation.

8. After the population of the City of Stratford shall have reached 30,000 inhabitants, as returned by the Assessor, the Company will upon being required by the Council of the said Corporation, establish and lay down new lines in the proportion of one-half mile of track, exclusive of sidings, for every 2,000 of population over and above 25,000 inhabitants. Such new lines of railway to be located in such part or parts of the City as the Council of the said Corporation and the Company may agree upon, but in case they are unable to agree then the same shall be referred to the Ontario Railway and Municipal Board.

9. Cars shall be run upon the respective lines of railway within the City of Stratford according to schedule to be from time to time determined by the City Engineer, who shall have the right from time

to

to time to direct the Company to put on any increased or more frequent service as to the City Engineer may seem fit, but such schedule shall not provide for a more frequent service than every fifteen minutes, unless the Ontario Railway and Municipal Board shall be of the opinion that by reason of increased population or for other similar reason a more frequent service is a public necessity. Provided always that upon being notified of any such schedule or of any change therein, the Company may apply on notice to the Corporation to the Ontario Railway and Municipal Board, and the said Board shall thereupon give such direction in regard thereto as to the said Board may seem fit. Provided that upon the streets hereinafter named the Company shall operate a fifteen minute service between the hours of 6.30 a.m. and 11 p.m.: Huron Street from Huntington Street to Ontario Street, Ontario Street from Huron to King Street, King Street from Ontario Street to Douro Street, Douro Street from King Street to Downie Street, Downie Street from Douro Street to Ontario Street, Erie Street from Ontario to the level crossing of the Grand Trunk Railway, and will run cars also to meet all regular passenger trains of the Grand Trunk Railway Company upon a route to be designated by the City Council.

10. The property of the Company within the City shall be exempt for the period of ten years from the first day of January, 1912, from all municipal taxation, except local improvement rates and taxes for school purposes.

11. The Company shall water the track allowances at all proper times and in proper manner, to be determined from time to time by the City Engineer, and for the purposes of this By-law the term "track allowances" shall mean the space between the rails and eighteen inches outside thereof.

12. The Company shall afford all reasonable facilities to any other Railway Company for the receiving and forwarding and delivering of traffic upon and from such other Railway belonging to or worked by such other Railway, and for the return of carriages, trucks and other vehicles, and the Company shall not give or continue any preference or advantage to or in favor of any particular other Railway or any particular description of traffic in any respect whatever, nor shall the Company subject any particular other Railway or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever, and the Company shall afford all due and reasonable facilities for receiving and forwarding by such other Railway all the traffic arriving by such other Railway Company without any unreasonable delay and without any such preference or advantage or prejudice or disadvantage as aforesaid so that no obstruction may be offered in the use of such Railway as a continuous line of communications.

Provided that if any dispute arise between the Company and such other Railway Company regarding the remuneration for any such service as aforesaid, and the same cannot be settled by the said Companies, the Company hereby consents and agrees that any such dispute shall be settled and determined by the Ontario Railway and Municipal Board.

13. The grades of the streets and the location upon the streets for the tracks and poles of the said Company shall be under the supervision of the City Engineer. The poles shall be of a uniform size and the wires shall be strung not less than eighteen feet from the ground.

14. (a) The poles to be used for the Company's wires on Ontario Street from Nile Street to the stone bridge and on Downie Street shall be iron and of the most approved pattern, and on the remainder of the streets traversed by the railway the Company may use for their wires for said railway, wooden poles, and the wooden poles used by the Company shall all be straight and perpendicular, and as

nearly

nearly as possible of the same shape and size, and shall be dressed throughout, and all poles, both iron and wooden, shall be painted throughout, and shall be placed on the sides of the streets, unless otherwise directed by the said Engineer, and all the poles of the Company shall be placed in such manner as to obstruct as little as possible the use of the streets for other purposes, and the pattern and description of all the said poles shall be approved of by, and they shall be placed under the supervision and to the satisfaction of the said Engineer, and the poles shall be kept in repair, and painted as aforesaid to the satisfaction of the said Engineer, and all earth and refuse placed upon the streets or any portion thereof in digging the post-holes and erecting the poles shall be immediately removed by the Company, and in default thereof the same may be removed by the said Engineer at the expense of the Company, and the cost of such removal shall be paid by the Company to the Corporation on demand.

(b) In case any pole shall be placed or erected otherwise than in accordance with the provisions of this section, or shall not be kept in repair or be re-painted as aforesaid, the said Engineer or the Corporation may require it to be removed and replaced by a proper one, or to be repaired and re-painted, and in default of that being done, may remove such pole or remove and replace it by a proper one, or repair and re-paint it, as the case may require, at the expense of the Company; but the said Engineer or the Corporation shall not exercise the rights by this sub-section conferred with respect to re-painting the poles or any of them until thirty days' notice, in writing, has been given by the said Engineer to the Company (which may be served by leaving the same at the office of the Company in the said City of Stratford, or by mailing the same by registered letter, addressed to the Company at the City of Stratford), requiring the Company to re-paint the said poles or pole, nor if the Company within the said thirty days re-paint the said poles or pole to the satisfaction of the said Engineer.

15. The rail to be used on the streets in the said Corporation shall be a standard 85 lb. "T" rail, and shall be laid in such a manner as shall not obstruct the free passage of vehicles and carriages over the same.

16. The said Company shall construct and maintain in good repair crossings with material acceptable to the City Engineer on the streets traversed by its railway at the various places or intersection of the tracks of the said Company with any street which the same shall cross, and at places where any street joins any street traversed by the railway, to the extent of the width of the track allowances, the material for the same to be supplied by the said Railway Company.

17. During the operation of laying, removing and relaying the rails or of executing any repairs, a free passage for carriages and vehicles over the streets shall be kept open, and the street material when dug up, in laying or relaying as aforesaid, shall be either removed by the said Company or spread over the street from which the same shall have been taken, as shall be directed by the City Engineer.

18. The Corporation of the City of Stratford and the officers and servants thereof shall have the right to take up the streets traversed by the said Railway either for the purpose of laying or repairing drains, sewers or culverts, or for laying down or repairing of gas or water pipes and for any purposes for the time being within the powers of the Corporation without being liable to the said Company for any damages that may be thereby occasioned to the said Railway or the works connected therewith or the working thereof, and the said Corporation shall in any case use due diligence in making all necessary repairs on such streets, and in case in the execution of any such work it shall have become necessary to take up or disturb

any

any of the tracks on other parts of the Company's property, the Corporation shall on the completion of the work, restore the same to their former condition or equally good condition.

19. (a) Whenever it shall be deemed expedient by the Corporation or the Council thereof, either under the provisions of the local improvement clauses of The Consolidated Municipal Act, 1903, or amendments thereto, or under any other Act or authority, to pave or re-pave, whether with materials different from what are now in use or not, any street or portion of a street upon or along which the railway tracks of the Company or any of them, are or shall be laid, the "track allowances" shall at the same time that the paving or re-paving is being done on the adjoining portions of the street, be paved by and at the expense of the Company, with the like materials or such other materials as shall be approved of by the Council of the Corporation, and in such manner as the adjoining portion of the said street is so paved or re-paved, and to the satisfaction of the said Engineer, the Company furnishing the materials and the specifications for all such paving or re-paving to be done by the Company, including the foundations therefor, under the provisions of this sub-section, shall be submitted to and approved by the said Engineer before any of the said work is commenced by the Company, and thereafter the same shall be paved and kept in repair to the satisfaction of the said Engineer by and at the expense of the Company, the Company furnishing the materials, and the Company shall be responsible for and make good to the Corporation all loss, damages, costs, charges and expenses which the Corporation may incur or be put to by reason of any failure of the Company to conform to the provisions of this sub-section, or any delay on the Company's part in so doing; Provided, however, that where the Company shall have constructed a permanent pavement pursuant to the terms of this section, it shall not for a period of fifteen years be required to construct a new pavement on such street.

(b) It shall be the duty of the Company, whenever any street, or portion of a street, is to be paved or re-paved, to take up its tracks and sub-structures thereon, if and when the said Engineer shall deem it necessary to do so, and relay the same according to the best modern practice, and to the satisfaction of the said Engineer; Provided, however, that where its tracks are in good repair the said Company shall not be required to take up its tracks more frequently than once every ten years for the purpose of the paving or re-paving of the street.

20. In case the said Company shall fail to keep in good repair the said streets and parts of the said streets upon and along which its tracks shall be laid as aforesaid and shall neglect to make such repairs within a reasonable time after notice in writing from the proper officer of the said Corporation for the time being has been served upon the President or other managing officer of the said Company specifying the particulars of such wants to repair, the said Corporation shall be at liberty to cause such repairs to be made and to recover the cost thereof from the said Company.

21. (a) Before breaking up, opening or interfering with any part of the said streets for the purpose of constructing or re-constructing the said railway, or any part thereof, the Company shall give to the said Engineer for the time being ten days' notice in writing of their intention so to do, and no more than three thousand lineal feet of the said street shall, unless authority from the Board of Works of the Council of the Corporation, or such other Committee as may have charge of the streets, to do so, shall be first obtained, be broken up or opened or interfered with at any one time, and, when the work thereon shall have been commenced, the same shall be proceeded with without intermission or delay, and as rapidly as the same can be carried on, with due regard to the proper and efficient construction or re-construction (as the case may be) of the same, and subject to the supervision and to the satisfaction of the said Engineer.

(b)

(b) Before commencing any other work of alteration or any repair the Company shall give to the said Engineer notice of their intention so to do, and no more than one hundred lineal feet of the street shall, without his authority in writing, be broken up or open at any one time or place, and when the work of such alteration or repair shall have been commenced the same shall be proceeded with without intermission and as rapidly as the same can be carried on with due regard to their proper alteration or repair, and subject to the supervision and to the satisfaction of the said Engineer.

22. Whenever it shall become necessary to remove any snow or ice from the track or tracks of the said railway, the same shall be removed by the said Company, and under the direction of the proper officer of the said Corporation, shall be spread so as not to obstruct the passage of sleighs or of vehicles along the said street.

23. (a) The Company shall construct, maintain and operate their system without causing any injury to or interference with any system of waterworks, telegraph, telephone, electric light or power, gas, fire alarm, or other service now or hereafter having the use of or being operated in, upon or under any of the streets of the said City of Stratford, and shall be liable for all damages (save caused by the negligence of those injured) arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern and up-to-date means and satisfactory to the said Engineer to prevent any such injury or interference as aforesaid.

(b) The Company shall by the use of guard-wires or other sufficient means protect all the city fire alarm wires and all telegraph, electric light, power, telephone and other wires from contact with the electric wires which may be used by the Company for the working of their railway. The said Engineer shall be the judge as to the sufficiency of the means from time to time to be adopted for the purpose aforesaid, and his decision in the premises shall be binding on the Corporation and the Company.

(c) The Company shall indemnify and save harmless the Corporation at all times from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which the Corporation may incur, be put to, or have to them, by reason of neglect by the Company of their powers or any of them, by reason of neglect by the Company in the execution of their works, or any of them, or by reason of the improper or imperfect execution of their works, or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of neglect or failure of the Company to remove any snow or ice which it is their duty to remove under the provisions of this By-law, or by reason of the neglect, failure or omission of the Company to do or permit anything herein agreed to be done or permitted, or by reason of any act, default or omission of the Company or otherwise howsoever; and should the Corporation incur, pay or be put to any such loss, damages, costs, charges or expenses the Company shall forthwith upon demand repay the same to the Corporation.

(d) In case the Company shall fail provided for, they are to do, the said Corporation or Engineer anything which, by the terms of this By-law hereinbefore or hereinafter contained or provided for, they are to do, the said Engineer may give written notice to the Company by leaving the same at the office of the Company at the said City of Stratford, or by mailing the same by registered letter addressed to the Company at the said City of Stratford, specifying in general terms the nature of the thing which the Company has failed to do, and if the Company shall not within seven days thereafter (or such extended time as the Engineer or Council of the Corporation have given or the Ontario Railway and Municipal Board may have given), have done such work as necessary to remedy the default in respect of the said thing to the satisfaction of the said Engineer,

then

then the Corporation may do such work or thing, and such work or thing may be done by the Corporation or the Council thereof (without liability in any way for damages caused the Company by such doing of work or thing either negligently or inefficiently or at an inconvenient season) at the expense of the Company and the amount so expended by the Corporation may be recovered from the Company with ten per cent. additional to the actual expense of doing same (to cover responsibility and burthen of looking after the said work or thing being done, by way of liquidated damages for breach of covenant on the Company's part in thus defaulting) in any Court of competent jurisdiction, and so from time to time in respect of any such default by said Company, and in case of failure of the Company to pay the same for the period of two months after the recovery of a judgment for any amount, all rights and privileges hereby or by any agreement or By-law of the Corporation granted to the Company shall cease, determine and be at an end, and the tracks and material of the Company may be removed from the streets of the city or expropriated by the Corporation as the Council of the City may determine.

(e) The remedies given by the last preceding sub-section are to be taken as cumulative and optional on the part of the Corporation and not to weaken the force of any other remedy given herein or by common law or by statute.

24. (a) The Company shall carry free of charge all Police Constables in uniform, all City Firemen in uniform, or wearing badges when going to or returning from a fire, and Nurses of Victorian Order on duty, Health and Water Inspectors and City Detectives wearing badges and Letter Carriers in uniform when on duty.

(b) No car shall be allowed to stop on or over a crossing or in front of an intersecting street, except to avoid collision or to prevent danger to persons in the street, or for any other unavoidable reason, and no car shall be left or remain standing in the street at any time unless waiting for passengers, and no more than three cars shall be coupled together.

(c) The conductors or motormen shall bring the cars to a stop (when passengers request to get on and off the cars) at all street intersections and such other places as may be from time to time designated by the said Engineer, provided that two stopping places are not so designated within a distance of four hundred feet.

25. The rate of speed of cars on said street shall be regulated by the City Engineer.

26. When it is necessary to stop at the intersections of streets to receive or leave passengers, the cars shall be stopped so as to leave the front platform over the crossing.

27. The cars shall be entitled to the right-of-way over the track, and every vehicle upon the track of the Company shall turn out when any car comes up so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested to do so by the driver of any car, shall be liable to a fine not exceeding ten dollars, exclusive of costs, to be imposed by a Justice of the Peace for the County of Perth, having jurisdiction in the said City, and in case of non-payment to be collected by distress and sale of goods of the offender, and in default of such distress, the offender may be imprisoned in the common gaol of the said County of Perth for a period not exceeding twenty-one days with or without labor.

28. The Company shall sell tickets to be used within the limits of the City of Stratford at the rate of twenty-five for one dollar, or six for twenty-five cents, such tickets to be good at all hours between 6 a.m. and 12 p.m. Also tickets to be used from 5.30 a.m. to 8 a.m. and from 5 p.m. to 6.45 p.m. at the rate of eight for twenty-five cents,

and

and also children's tickets for children under fourteen years of age while going to and from school, collegiate institute, high school or business college, on all days of the week except Saturdays, at the rate of ten for twenty-five cents, and also tickets for students attending the high or other school within the limits of the City of Stratford, to be used while going to and from school on all days of the week except Saturdays, at the rate of five cents for each fare for a distance of at least ten miles from the City of Stratford, provided that such rate is not contrary to the regulations of the Railway Board of Canada or of the Province of Ontario.

29. Where, in case of fire, the Chief Engineer or person then in charge of the fire brigade, or portion thereof engaged, shall deem it necessary, he shall have the right to cut or pull down any wires of the Company which in his judgment obstruct the operations of the firemen, or to direct that they shall be cut or pulled down, and also to require the Company to stop the running of their cars to or near the building or buildings which may be on fire, or the fire engines, hose or other appliances in use at such fire, and the Corporation shall not be liable for any loss or damage caused thereby.

30. Any conductor or other employee who shall collect from any passenger more than the fare prescribed by law or the by-laws and regulations of the Company, shall, on conviction thereof before any Justice of the Peace for the County of Perth for the City of Stratford, pay a fine of not less than ten dollars, exclusive of costs. Such fine to be levied by distress and sale of the goods of the offender, and in default of sufficient distress the offender may be imprisoned in the common gaol for the County of Perth in the City of Stratford for any term not exceeding twenty-one days with or without hard labor.

31. If the Corporation or its Council grant a Franchise to another Company to construct a surface street railway within the limits of the Corporation, then the tracks of each as they cross the stone bridge or any other bridge shall be interlined, and each Company shall obey the regulations adopted by the Council of said City for the meeting at and crossing of said bridge, and shall use the same poles, and, in the event of one having built before the other, that Company building last shall repay the other, before using the poles, the one-half of the expenses of erecting such poles, and the joint use of the same shall, with this provision, be subject to the direction of the City Engineer.

32. In case any Company having power to operate a railway by electricity shall, at any time within the continuance of the franchise granted hereby, apply to the Corporation or to the Council thereof for the right to run its cars into the City of Stratford, the Corporation by its Council may require the Company to permit any Company making such application to run over the Company's lines or such of them as the Council may designate within the limits of the City of Stratford, and thereupon the Company shall permit such other Company to use and run over such of the said lines as shall be so designated, subject always to such terms and conditions as may be agreed upon between the said Companies, or in the event of their failing to agree as may be determined by the Ontario Railway and Municipal Board, and subject also to the terms of any agreement between the Corporation and the Company so desiring to enter the City.

33. The Council of the Corporation may at any time by by-law passed by a vote of not less than two-thirds of the members thereof, relieve the Company of its obligation to construct, operate or maintain any line or lines of railway herein provided for, but when any track has been constructed by the Company on any street or part of a street of said City, it shall not be removed without the license or consent of the City Council expressed by by-law.

34. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other Company in or in respect of the streets and highways in the said City.

35. An appeal shall lie from any decision or direction of the Engineer as to the matters provided for herein (if notice is served within one week on the said Engineer and Corporation) to the Ontario Railway and Municipal Board, provided always that in all such matters as compliance with the decision or direction can be carried out without incurring an expense of a sum not exceeding \$50.00, the Company shall, pending the appeal, conform to the decision or direction, and by failing to so fully conform, shall become disentitled to have any such appeal heard.

36. Nothing herein contained shall be construed as impairing the securities that now exist or may hereafter exist in the legislation governing the construction of or repairing electric railways or in the management of any such or defining any of the duties or obligations of the Company to the Corporation or of the like Company to the like Corporation for the protection of the Corporations and the inhabitants of the said City of Stratford and for the maintenance of the roads, streets and lanes of the said City of Stratford in as high a state of efficiency and safety as possible and governing generally the relations between the Company and the Corporation and the Company and the inhabitants of said City, and others visiting same and travelling therein, but all such provisions as are in this By-law contained bearing upon any subject matters as are herein dealt with shall be taken to be cumulative, or in addition to the rights, obligations, safeguards and remedies furnished by said legislation or any of it, and if in any way a conflict between that herein contained and the said legislation should hereafter be supposed to exist, that which shall be found to be most beneficial to the Corporation or the inhabitants of or travellers in said City shall be adopted.

37. The Corporation will join the Company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this By-law and the agreement to be entered into between the Corporation and the Company and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the Company, provided that the Act of the Legislature so confirming and ratifying this By-law and the said agreement shall contain as sections thereof in the words following, or to the like effect, that is to say:—

(a) If the Company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this By-law in which the residents of the Municipality or the Corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the Company, the Corporation or any ratepayer in said City may bring an action in the High Court of Justice against the Company and all other necessary parties to compel the keeping, observing, performing of and complying with such provisions; and the Court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise the due observance, performance and fulfilment by the Company and its officers and other persons of all provisions of this By-law in which residents of the Municipality or the Corporation or any other person or Corporation are interested.

(b) In case any one whose duty it may be to carry out or observe or see that a proper person has been employed to carry out or observe any of the regulations contained in paragraph 21 hereof (or amending regulation duly made by the Council of said City) fails to discharge his duty in the premises, he shall be liable to be prosecuted before the Police Magistrate of said City or other Justice or Justices of the Peace for an infraction of said By-law, and upon conviction

thereof

thereof shall forfeit and pay, at the discretion of said Police Magistrate or other Justice or Justices of the Peace; a penalty not exceeding fifty dollars for each offence, exclusive of costs, and the costs of such prosecution, and in default of payment forthwith the convicting Magistrate or Magistrates or any two of them may issue a warrant under his or their hand and seal, or hands and seals, to levy the said penalty and costs, or costs only, by distress and sale of the offender's or offenders' goods and chattels; and in case of no sufficient distress to satisfy the said penalty and costs, it shall and may be lawful for the Mayor, Police Magistrate, Justice or Justices convicting, as aforesaid, to commit the offender or offenders to the County Jail or House of Correction for any period not exceeding twenty-one days, unless the said penalty be sooner paid.

38. Upon the final passing of this By-law and as a condition precedent to the enjoyment of the rights and privileges to be granted hereby, the said Thomas O. Robson, Henry Lincoln Rice, David Bonis and Archie Baird will enter into an agreement with the said Municipality, by which agreement they shall undertake that the construction of the said lines of railway shall be commenced not later than six months after the final passing of this By-law, or that the Company shall within that time have placed on the ground such material, or in some other manner have made such substantial progress towards the construction of the said railway as shall satisfy the City Council of the ability and intention of the Company to construct the said railway, and by the said agreement they shall further undertake that the Company will within nine months after the final passing of this By-law have had delivered to the Company at the City of Stratford all the materials necessary for the laying of the tracks and for the construction of all the other ground work in connection with the said lines of railway, and by the said agreement they shall further undertake that within six months from the final passing of this By-law they will have procured some other Railway Company owning or operating a line of railway in Ontario to enter into a valid and binding agreement with the Corporation to construct, equip and operate a line of railway from the City of Stratford to some point on Lake Huron within two years from the final passing of this By-law.

39. It shall be further provided by the agreement to be made as hereinbefore mentioned, that upon default in fulfilment of any of the stipulations to be contained therein, as expressly provided in the last preceding paragraph hereof, within the time therein limited or within such further time as the City Council may grant for the purpose, the rights, franchise and privileges to be taken hereunder shall be forfeited, and the Company will, upon request of the City Council, assign all the rights, privileges and franchise intended to be conferred upon the Company hereby to such person or corporation as the City Council may name.

40. The City Council may incorporate in the agreement to be made as hereinbefore provided such further conditions, stipulations and provisions for safeguarding the rights of the Municipality or of the public, and for securing and maintaining control of the streets of the Municipality as they may think proper, provided always that no greater rights or privileges are thereby conferred upon the Company than are otherwise provided for by this By-law.

41. The said Company and the railway to be built by them and extensions thereof within the City of Stratford, shall be and remain subject to the Legislative authority of this Province, and if and when the said Company, its successors, lessees or assigns by virtue of any legislation got otherwise or elsewhere than that by and with the advice and consent of the Legislative Assembly of the Province of Ontario, attempts to over-rule, impair, weaken or lessen the authority of or to act independently of the legislation enacted by His Majesty or His Successors or Predecessors, with the advice and

consent

consent of the said Legislative Assembly, on the subject matters of this By-law or any part thereof, then and thenceforth each and all of the privileges hereby conferred on said Company, shall cease and be determined.

42. The Company shall obtain its supply of power for the purposes of its railway from the Hydro-Electric Power Commission, and will, so far as practicable and as may be determined by said Commission, take its power from the stepping down station at Stratford, but the Company shall not without the consent of the Council of the Municipality lease, sell or distribute electricity for light, heat or power within the City of Stratford.

43. This By-law shall come into force on the passing thereof, but no rights or privileges shall be taken or enjoyed thereunder until the execution of the agreement hereinbefore provided for.

44. On the twenty-seventh day of July, 1910, at the hour of eleven o'clock in the forenoon at the Clerk's Office at the City Hall in the City of Stratford, the appointment of persons to attend to the polling places, and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this By-law will be made.

45. The Clerk of the Municipality shall sum up the number of votes given for and against this By-law on Saturday, the thirtieth day of July, 1910, at the Clerk's Office in the City Hall, Stratford.

46. The votes of the ratepayers entitled to vote on this By-law shall be taken thereon at the places hereinafter mentioned, and the said votes shall be so taken on the twenty-ninth day of July, 1910, the polls to be opened at the hour of nine o'clock in the forenoon, and to be closed at the hour of five o'clock in the afternoon, and the persons also hereinafter named shall be the returning officers to take the votes at the said poll:—

For the First Sub-division of Avon Ward at Stephen Lamb's building, 134 Huron Street; James Bryant, Deputy Returning Officer; George L. Money, Poll Clerk.

For the Second Sub-division of Avon Ward, at Miss Baker's house, 48 Jones Street; W. S. Cowan, Deputy Returning Officer; Howard Barker, Poll Clerk.

For the Third Sub-division of Avon Ward, at Mrs. Norfolk's house, 190 North John Street; J. B. Waugh, Deputy Returning Officer; T. J. Sayers, Poll Clerk.

For the First Sub-division of Falstaff Ward, at Cash's store, 168 Ontario Street; Charles Penphrase, Deputy Returning Officer; Alexander Allan, Poll Clerk.

For the Second Sub-division of Falstaff Ward, at Carter's Music Store, 110 Ontario Street; Henry Seager, Deputy Returning Officer; Frank Mason, Poll Clerk.

For the First Sub-division of Hamlet Ward, at Walsh Brothers' house, 186 Erie Street; Charles Ellis, Deputy Returning Officer; Geo. Burdett, Poll Clerk.

For the Second Sub-division of Hamlet Ward, at Henry Steinburg's house, 250 Church Street, M. J. Dillon, Deputy Returning Officer; Geo. T. Jones, Poll Clerk.

For the First Sub-division of Romeo Ward, at Hagarty's store, 49 Brunswick Street; William Boles, Deputy Returning Officer; E. J. Todd, Poll Clerk.

For the Second Sub-division of Romeo Ward, at Couch's store, 127 Nile Street, J. R. Boothby, Deputy Returning Officer; Walter Mitchell, Poll Clerk.

For

For the Third Sub-division of Romeo Ward, at Kercher's store, 351 Ontario Street; C. F. Neild, Deputy Returning Officer; D. F. Hamilton, Poll Clerk.

For the Fourth Sub-division of Romeo Ward, at George Copper's house, 237 Queen Street; John B. Captain, Deputy Returning Officer; John Walsh, Poll Clerk.

For the Fifth Sub-division of Romeo Ward, at Bolger's store, 66 Shakespeare Street; W. S. Bolger, Deputy Returning Officer; Geo. Langan, Poll Clerk.

For the Sixth Sub-division of Romeo Ward, at A. J. Bates' house, 33 Guelph Street; Henry E. Brewer, Deputy Returning Officer; John Dolan, Poll Clerk.

For the Seventh Sub-division of Romeo Ward, at Thompson's store, 253 Douro Street; W. R. Pratt, Deputy Returning Officer; M. J. Longeway, Poll Clerk.

For the First Sub-division of Shakespeare Ward, at the City Hall; H. W. Copus, Deputy Returning Officer; E. J. John, Poll Clerk.

For the Second Sub-division of Shakespeare Ward, at Joseph Wik's house, 75 Cambria Street; E. J. Kneitl, Deputy Returning Officer; W. J. Smith, Poll Clerk.

For the Third Sub-division of Shakespeare Ward, at J. W. Foot's store, corner Victoria and Inverness Streets; William McKellar, Deputy Returning Officer; E. P. Edmunds, Poll Clerk.

For the Fourth Sub-division of Shakespeare Ward, at Near's store, 31 Dufferin Street; Samuel Robb, Deputy Returning Officer; A. Ross, Poll Clerk.

For the Fifth Sub-division of Shakespeare Ward, at Mrs. J. Pepper's house, 254 Nelson Street; W. J. Morrow, Deputy Returning Officer; Samuel Morrow, Poll Clerk.

This By-law passed in open Council, the fifteenth day of August, 1910.

(Sgd. CHAS. CARTER, *Acting Mayor*.)

(Sgd.) R. R. LANG, *City Clerk*. (Seal.)

I, Robert Rinn Lang, of the Municipality of the City of Stratford, hereby certify that the foregoing is a true copy of By-law No. 1739 of the said Municipality. In testimony whereof I have hereunto set my hand and affixed the Corporate Seal of the said Municipality, this thirtieth day of January, A.D. 1911.

R. R. LANG, *City Clerk*.

SCHEDULE "B."

This Agreement made the 23rd day of September, one thousand nine hundred and ten,

Between—

Thomas O. Robson, of the Township of Blanshard in the County of Perth, Drover, now Postmaster of the Town of St. Marys; Henry Lincoln Rice, of the Town of St. Marys in the County of Perth, Produce Merchant; David Bonis, of the said Township of Blanshard, Farmer, and Archie Baird, of the said Town of St. Marys, Manufacturer, of the First Part;

and

The Corporation of the City of Stratford, of the Second Part.
Whereas

Whereas the party of the Second Part has passed its by-law No. 1739 for the granting of certain rights and privileges to the parties of the First Part or to a Company to be incorporated by them, as set forth in the said by-law, for the construction, maintenance and operation of an Electric Railway within the limits of the City of Stratford upon certain terms and conditions set forth and contained in the said by-law;

And whereas in and by the said by-law it is provided that upon the final passing thereof and as a condition precedent to the enjoyment of the rights and privileges to be granted thereby, the parties of the First Part will enter into an agreement with the party of the Second Part, as more particularly set forth in the said by-law;

And whereas this agreement is made for the purpose of complying with such condition precedent.

Now therefore this agreement witnesseth as follows:

1. The parties of the First Part for themselves, their heirs, executors, administrators and assigns, do jointly and severally covenant and agree with the party of the Second Part that the construction of the lines of railway in the City of Stratford set forth in the said by-law No. 1739 of the City of Stratford, shall be commenced not later than the fifteenth day of February, 1911, or that they, or the Company to be incorporated by them, as set forth in the said by-law, shall on or before the date aforesaid, have placed on the ground within the limits of the Corporation of the City of Stratford, such sufficient material to be used in the construction of the said lines of railway, as shall satisfy the Municipal Council of the party of the Second Part of the ability and intention of the parties of the First Part, or such Company to be incorporated by them, to construct the said Railway in accordance with the terms and conditions set forth in the said by-law, or that they or the said Company will on or before the date aforesaid in some other manner have made such substantial progress towards the construction of the said railway as shall satisfy the said Council of such ability and intention on the part of the parties of the First Part, or of the said Company.

2. The parties of the First Part, for themselves, their heirs, executors, administrators, and assigns, do further jointly and severally undertake, covenant and agree with the party of the Second Part that they, or the Company to be incorporated by them as aforesaid, will on or before the fifteenth day of May, 1911, have had delivered to the parties of the First Part, or to the said Company, at the City of Stratford, all materials necessary for the laying of the tracks and for the construction of all the other ground work in connection with the lines of railway set forth in the first clause of the said by-law.

3. The parties of the First Part for themselves, their heirs, executors, administrators and assigns, do jointly and severally covenant and agree with the party of the Second Part that on or before the fifteenth day of February, 1911, the parties of the First Part, or the said Company, will have procured some other railway company owning or operating a line of railway in Ontario to enter into a valid and binding agreement with the party of the Second Part, to construct, equip and operate a line of railway from the City of Stratford to some point on Lake Huron on or before the fifteenth day of August, 1912.

4. It is further agreed that upon default in fulfilment of any of the stipulations hereinbefore contained within the time therein limited, or within such further time as the Municipal Council of the party of the Second Part may grant for the purpose, the rights, privileges and franchise to be taken and enjoyed by the parties of the First Part, or by the said Company under and by virtue of the said by-law, shall be forfeited, and the parties of the First part, or
the

the said Company, will upon request of the said Municipal Council, assign all the rights, privileges and franchise intended to be conferred upon the parties of the First Part, or the said Company, thereby, to such person or corporation as the said Council may name.

5. The parties of the First Part, for themselves, their heirs, executors and assigns, covenant, promise and agree with the party of the Second Part, that all the rights, privileges and franchise to be had, taken and enjoyed, under and by virtue of the said by-law, and anything done in pursuance thereof, shall be so had, taken and enjoyed subject to and upon all the terms, provisoes and conditions set forth and contained in the said by-law and in this agreement, and that they and the said Company will duly observe, perform and keep all matters in this agreement or in the said by-law contained as matters to be observed, performed and kept by the parties of the First Part, or the Company, and that any attempt upon the part of the parties of the First Part, their heirs, executors, administrators and assigns, or on the part of the Company to be so incorporated as aforesaid, to construct, maintain, or operate any line of Electric Railway within the City of Stratford, otherwise than under the authority of the said by-law, or to sell, lease, transfer, or assign the said railway or any right or interest therein so that any of the conditions, terms and provisions of the said by-law may be evaded or cease to have full force and effect, or the actual making of any such sale, lease, transfer or assignment or doing of any such act as aforesaid, shall operate as a forfeiture of the rights, privileges and franchise which the said by-law is intended to confer.

6. If the parties of the First Part, or the said Company to be incorporated by them, shall neglect to keep, observe, perform or comply with any of the provisions of the said by-law in which the residents of the said Municipality, or the party of the Second Part, or any other person or corporation are interested, then in addition to all other remedies by law enforceable against the parties of the First Part, or the said Company, the Corporation or any ratepayer in said City may bring an action in the High Court of Justice against the parties of the First Part, or the said Company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such conditions, and the Court shall have full power and jurisdiction in the premises to enforce by injunction or otherwise, the due observance, performance and fulfilment by the said Company and its officers and other persons, of all provisions of the said by-law and of this agreement, in which residents of the Municipality or the Corporation or the party of the Second Part, or any other persons or Corporation, are interested.

7. In case any one whose duty it may be to carry out or observe or see that a proper person has been employed to carry out or observe any of the regulations contained in paragraphs 21 and 24 of the said by-law or amending regulation duly made by the Council of the said City, fails to discharge his duty in the premises, he shall be liable to be prosecuted before the Police Magistrate of said City or other Justice or Justices of the Peace, for an infraction of said by-law, and upon conviction thereof, shall forfeit and pay, at the discretion of said Justices of the Peace, a penalty not exceeding fifty dollars for each offence, exclusive of costs, and the costs of such prosecution, and in default of payment forthwith, the convicting Magistrate or Magistrates, or any two of them, may issue a Warrant under his or their hand and seal, or hands and seals, to levy the said penalty and costs, or costs only, by distress and sale of the offender's or offenders' goods and chattels; and in case of no sufficient distress to satisfy the said penalty and costs, it shall and may be lawful for the Mayor, Police Magistrate, Justice or Justices convicting as aforesaid, to commit the offender or offenders to the County Jail or House of Correction for any period not exceeding twenty-one days, unless the said penalty be sooner paid.

In witness whereof the said parties hereto have hereunto set their hands and seals.

(Sgd.) T. O. ROBSON. (Seal)

(Sgd.) H. L. RICE. (Seal)

(Sgd.) DAVID BONIS. (Seal)

(Sgd.) A. BAIRD. (Seal)

(Sgd.) W. S. DINGMAN, (Seal)

(Sgd.) R. R. LANG, *Mayor.* (Seal)

City Clerk.

Signed, sealed and delivered
in the presence of
(Sgd.) A. WADDELL.

CHAPTER 132.

An Act to Incorporate Toronto Interurban Railway.

Assented to 24th March, 1911.

W HEREAS, Charles Carlton Cummings, Capitalist; ^{Preamble.}
 Francis Dudley Mackay, Manufacturer; Michael
 Herman Ludwig, King's Counsel; Adam Walker Ballantyne,
 Barrister, and Charles Forsyth Ritchie, Barrister, all of the
 City of Toronto, in the County of York, in the Province of
 Ontario, have petitioned for an Act to incorporate a Company
 for the purpose of constructing and maintaining a railway
 to be operated by steam or electricity or partly by one and
 partly by the other, from some point in or near the northerly
 limit of the City of Toronto, in the County of York, thence
 northerly through the Townships of York, Vaughan, King
 and Whitchurch, in said County of York, to a point in or
 near the Town of Newmarket, in said County of York; and
 whereas it is expedient to grant the prayer of the said Peti-
 tion;

Therefore, His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. The said Charles Carlton Cummings, Francis Dudley ^{Incorporation.}
 Mackay, Michael Herman Ludwig, Adam Walker Ballantyne
 and Charles Forsyth Ritchie, together with such other per-
 sons, firms and corporations as shall hereafter become share-
 holders of the said Company, are hereby constituted a body
 corporate and politic, by the name of "Toronto Interurban
 Railway," hereinafter called "the Company."

2. The Company is authorized and empowered to survey, ^{Location of line.}
 lay out, construct, complete, equip and maintain a rail-
 way to be operated by steam or electricity, or partly by
 one and partly by the other, from some point in or near the
 northerly limit of the City of Toronto, in the County of
 York, in the Province of Ontario, thence northerly through
 the Townships of York, Vaughan, King and Whitchurch
 to a point in or near the Town of Newmarket, in said
 County of York, but the Company shall not construct
 its

its railway, or any extension thereof, along, under, above or across any highway or public place within the limits of the City of Toronto, without first obtaining the consent, expressed by By-law, of the City of Toronto, and upon the terms to be agreed upon with the said City.

Head Office. 3. The Head Office of the Company shall be in the City of Toronto, in the said County of York.

Provisional Directors. 4. The said Charles Carlton Cummings, Francis Dudley Mackay, Michael Herman Ludwig, Adam Walker Ballantyne and Charles Forsyth Ritchie shall be the Provisional Directors of the Company.

Number of Directors. 5. The Board of Directors of the Company shall consist of not less than three and not more than seven persons.

Capital Stock. 6. The Capital Stock of the Company shall be two hundred and fifty thousand dollars.

Bonds, Debentures. 7. The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of railway constructed, or under contract to be constructed.

Running arrangements with other railways. 8. Subject to the provisions of *The Ontario Railway Act, 1906*, the Company shall have power to make traffic or running arrangements with the Canadian Pacific Railway Company, The Grand Trunk Railway Company of Canada, the Canadian Northern Railway Company, the Metropolitan Railway Company, and any other Railway or Transportation Company, upon such terms as may be agreed upon.

Application of 6 Edw. VII., c. 30. 9. The provisions of *The Ontario Railway Act, 1906*, shall apply to the Company, and to the railway constructed or to be constructed by it.

CHAPTER 133.

An Act respecting The Toronto Suburban Railway Company.

Assented to 24th March, 1911.

WHEREAS The Toronto Suburban Railway Company Preamble. hereinafter called "the Company," was incorporated by an Act passed in the 57th year of Her late Majesty's reign, Chaptered 94, intituled "An Act to Incorporate the Toronto Suburban Street Railway Company, Limited," and has by petition represented that the Company has constructed and is now operating its railway in that part of the City of Toronto formerly the City of West Toronto and surrounding municipalities; and that by an Act passed in the 63rd year of Her late Majesty's reign, Chaptered 124, the name of the Company was changed to The Toronto Suburban Railway Company; and whereas by an Act passed in the first year of the reign of His late Majesty, Chaptered 91, intituled "An Act respecting The Toronto Suburban Railway Company," the Company was authorized to extend its line of railway from its terminus at Lambton Mills, in the Township of York, in the County of York, to some point in the City of Hamilton, in the County of Wentworth; and whereas by an Act passed in the fourth year of the reign of His late Majesty, Chaptered 94, the Company was authorized to further extend its railway from a point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the Town of Niagara Falls, in the County of Welland, with a branch from a point on the line of railway already constructed in or near the Village of Weston or some point between the Village of Weston and the north limit of the Township of York to the Village of Woodbridge, in the County of York, and also from a point on the line of railway already constructed in or near the Village of Weston or the Village of Lambton Mills, to the Town of Brampton, in the County of Peel, and also from a point on the line of railway thereby authorized in the Township of Thorold to the City of St. Catharines, in the County of Lincoln; and to the Town of Port Colborne, in the County of Welland; and whereas by an Act passed in the ninth year of

His

His late Majesty's reign, Chaptered 148, a certain mortgage by the said Company was confirmed and the time for the completion of the extensions and branches of the said railway was extended; and whereas by an Act passed in the tenth year of His late Majesty's reign, Chaptered 153, the Company was authorized and empowered to equip, maintain and operate an extension of its line of railway from a point in or near the Town of Brampton, in the County of Peel, to some point in or near the City of Guelph, in the County of Wellington, passing through or near the Township of Chingwacousy, in the said County of Peel, and the Townships of Esquesing, Nassagaweya and the Town of Georgetown and the Village of Acton, in the County of Halton, and the Townships of Erin, Eramosa, Guelph and Puslinch, in the said County of Wellington; and whereas the Company has by its petition prayed for authority to extend its line from some point at or near Cooksville, in the County of Peel, to a point in or near the Town of Milton, in the County of Halton, passing through or near the Township of Toronto, in the said County of Peel, and the Townships of Trafalgar or Esquesing, in the said County of Halton; thence northerly to a point at or near the Village of Acton, in the said County of Halton; and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Certain
extension
authorized.

1. The Company is authorized and empowered to equip, maintain and operate an extension of its line of railway from some point on its present authorized line at or near Cooksville, in the County of Peel, to a point in or near the Town of Milton, in the County of Halton, passing through or near the Township of Toronto, in the said County of Peel, and the Townships of Trafalgar or Esquesing, in the said County of Halton; thence northerly to a point at or near the Village of Acton, in the said County of Halton.

Increase of
capital.

2. The capital stock of the Company shall be increased to \$1,500,000.

Power
to issue
securities.

3. The Company may issue securities to the extent of seventy-five per cent. of its actual expenditure upon or in respect of a bridge, including the approaches thereto, across the river Humber at Lambton Mills, and a bridge, including the approaches thereto, across the river Humber, at or near Weston, in the County of York, a bridge, including the

approaches

approaches thereto, across the river Credit, and may also issue securities to the extent of seventy-five per cent. of its actual expenditure for or in respect of the purchase of right of way, terminals and station buildings, in the City of Toronto, and the City of Guelph.

4. Section 3 of the Act passed in the 10th year of His late Majesty's reign, Chaptered 153, shall apply to the said extension hereby authorized. 10 Edw. VII., c. 153, s. 3, to apply to extension.

5. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall apply to the said extension hereby authorized. Application of 6 Edw. VII., c. 30.

6. Notwithstanding anything contained in the Act passed in the first year of His late Majesty's reign, Chaptered 91, or in the Act passed in the 4th year of His late Majesty's reign, Chaptered 94, or in the Act passed in the 9th year of His late Majesty's reign, Chaptered 148, or in *The Ontario Railway Act, 1906*, the extensions and branches of the said railway authorized by the said Acts and by this Act shall be commenced within one year and completed within five years from the passing of this Act, and if the said extensions and branches are not commenced within one year and completed and put in operation within five years from the passing of this Act, then the powers granted to the said Company by the said Acts and by this Act shall cease and be null and void as respects so much of the said extensions and branches as then remain uncompleted. Time for completion of extensions. 6 Edw. VII., c. 30.

CHAPTER 134.

An Act respecting The Toronto and York Radial Railway Company.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Toronto and York Radial Railway Company, hereinafter call the "the Company," has by petition represented that it was incorporated by Chapter 66 of the Acts passed in the 61st year of the reign of Her late Majesty Queen Victoria, and was empowered as therein provided to acquire the undertakings, railways, franchises, rights, powers, privileges and other real and personal property of certain railroads therein mentioned; and whereas the powers of the Company were extended and defined by Chapter 124 of the Acts passed in the sixth year of His late Majesty's reign; and whereas it is desirable to grant to the Company certain additional powers and to fix a limit of time for the construction of the Company's railways; and whereas the Company by its petition has prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Location of Line.

1. The Company may, subject to the provisions of *An Act respecting certain Municipal By-laws and Agreements* passed in the ninth year of His late Majesty's reign and Chaptered 75, survey, lay out, construct, complete, equip and maintain railways, extensions and branches between such points as The Toronto and York Radial Railway Company, The Toronto and Scarboro Electric Railway Light and Power Company, Limited, The Toronto and Mimico Electric Railway and Light Company, Limited, and The Metropolitan Railway Company are now empowered to lay out, construct, maintain and operate railways, extensions and branches, either upon such highways as may be agreed upon between the different municipalities having the respective

control

control thereof and the company, or upon private right-of-way, or upon both such highways and such private right-of-way, and may survey, lay out, construct, complete, equip and maintain extensions from a point upon the Toronto and Scarboro Division to the Village of Markham, in the County of York, and upon the Metropolitan Division from the Village of Sutton to the Village of Pepperlaw, in the County of York. Nothing in this section contained shall extend the rights of the Company under any existing agreement with any municipality so as to empower the Company to lay double tracks upon any highway where such right does not now expressly exist by virtue of such agreement or otherwise.

2. Notwithstanding anything contained in the Act passed in the sixth year of His late Majesty's reign, Chaptered 124, or in *The Ontario Railway Act, 1906*, the extensions and branches of the said railway authorized by the said Act and by this Act shall be commenced within two years and completed within five years from the passing of this Act; and if the said extensions and branches are not commenced within two years and completed and put in operation within five years from the passing of this Act, then the powers granted to the said Company by the said Acts shall cease and be null and void with respect to so much of the said extensions and branches as then remain uncompleted.

Time for
Commence-
ment and
Completion.

3. The Company may, upon obtaining the approval of The Ontario Railway and Municipal Board, without the assent of the owners thereof, enter upon and take any lands that may be required for the diversion of any river, stream, water-course or highway upon which or near to which the Company's line is or shall be laid, and may enter into any agreement with any municipality in respect of such diversion, and all municipalities are hereby authorized to enter into such agreement with the Company, and the provisions of *The Ontario Railway Act, 1906*, relating to plans and surveys and taking of lands without the consent of the owners, shall apply to all lands which may be taken by virtue of this section.

Power to
Expropriate
Land.

4. Subsection 16 of section 21 of the Act passed in the 61st year of the reign of Her late Majesty Queen Victoria, Chaptered 66, is amended by adding thereto the following words:—

61 V., c. 66,
s. 21, subs.
16, amended

“Provided, however, that the Company may issue bonds, debentures, or other securities to the amount of the investment actually made or contracted to be made by the Company in any terminals, stations, station-yards, freight yards, car and repair shops, power houses and offices.”

Repair of
Space
Between
Rails and
Level
of Rails.

5. Where the rails of the Company are laid upon any highway but not upon the paved or travelled portion thereof, it shall be the duty of the Company to keep the space between the rails in such repair and to keep the rails at such level as compared with the surface of the road as may be ordered by The Ontario Railway and Municipal Board, but this section shall not in any way limit or affect the obligations or liabilities of the Company under any existing agreement.

Application
of 6 Edw.
VII., c. 30

6. *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of the Acts passed in the 61st year of the reign of Her late Majesty Queen Victoria, Chaptered 66, the sixth year of His late Majesty's reign, Chaptered 124, and of this Act shall apply to the said Company and to the railways constructed or operated by it, and the provisions of the said *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act shall apply to the said extensions hereby authorized.

CHAPTER 135.

An Act respecting the Property of the Canada Foundry Company, Limited, at Bridgeburg.

Assented to 24th March, 1911.

WHEREAS the Canada Foundry Company, Limited, Preamble
has by petition represented that under and by virtue of a certain Order-in-Council bearing date the 29th day of July, 1910, being the result of certain negotiations between His Majesty the King, the Canada Foundry Company, Limited, the Canadian General Electric Company, Limited, and the Commissioners for the Queen Victoria Niagara Falls Park, it was provided that in consideration of the closing up of certain highways and the opening up of other highways in lieu thereof, and of grants by His Majesty the King to the petitioners, and several other considerations therein particularly set forth, that the petitioners and the said Electric Company, according to their respective titles, should grant as and for the public work of the Esplanade along the banks of the Niagara River certain lands. And whereas under and by virtue of a certain Deed dated the 1st day of August, 1910, and made between the said Electric Company, the petitioners, and His Majesty the King, and duly registered on the 25th day of August, 1910, in the Registry Office of the County of Welland in Book L (1) for the Township of Bertie as No. 14341, the said lands were accordingly granted as aforesaid. And whereas under and by virtue of the said Order-in-Council a certain other Deed dated the 5th day of August, 1910, and made between His Majesty the King, the petitioners, the said Electric Company and the Commissioners for the Queen Victoria Niagara Falls Park, and duly registered on the 24th day of August, 1910, in the said Registry Office in Book L (1) for the Township of Bertie as No. 14339, certain roadways delineated upon the Plan attached to the said Deed and marked as Parcels O, P, Q and R, and a portion of the land lying along the river bank of the Niagara River, between the Parcels O and R, were closed and granted to the petitioners, and by the same Deed the petitioners and the said Electric Company did grant to His Majesty the King Parcels S and U de-

lineated

lineated upon the said Plan attached to the said Deed as highways for the public uses of the Province, and by the said Deed the Commissioners for the Queen Victoria Niagara Falls Park did grant to His Majesty the King a certain parcel of land lying between the said Parcels S and U as a highway for the public uses of the Province. And whereas it was agreed by and between the said parties that the petitioners should apply to the Legislature for an Act confirming the said deeds. And whereas it appears that the Township of Bertie, wherein the said lands are situated, by By-law No. 791, dated the 4th day of August, 1910, enacted that the portions of the said roads over which their jurisdiction extended be declared to be henceforth closed to public travel, and that a portion of the said public travelled highway set forth in the said by-law should be conveyed to the petitioners, which said by-law was thereafter on the 7th of December, 1910, duly confirmed by the County Council of the County of Welland. And whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Confirmation
of certain
deeds of
land in
township
of Bertie.

1. The said deed dated the 1st day of August, 1910, made between the Canadian General Electric Company, Limited, the Canada Foundry Company, Limited, and His Majesty the King, and registered on the 25th day of August, 1910, in the Registry Office for the County of Welland in Book L (1) for the Township of Bertie as No. 14341, and the said deed dated the 5th day of August, 1910, made between His Majesty the King, the Canada Foundry Company, Limited, the Canadian General Electric Company, Limited, and the Commissioners for the Queen Victoria Niagara Falls Park, and registered on the 24th day of August, 1910, in the said Registry Office in Book L (1) for the Township of Bertie as No. 14339, are validated and confirmed and declared to be binding on all the parties thereto and upon the municipal corporations of the Township of Bertie and the County of Welland.

CHAPTER 136.

An Act respecting the assessment of the lands of Canadian Steel Foundries, Limited, and The Page Hersey Iron Tube & Lead Company, Limited, in the Township of Crowland.

Assented to 24th March, 1911.

WHEREAS Canadian Steel Foundries, Limited, and ^{Preamble.} The Page Hersey Iron Tube & Lead Company, Limited, have, by their petition, represented that By-laws Number 5 (1906) and Number 14 (1907) of the Municipality of the Township of Crowland, the assessment of certain lands in the said Township of Crowland belonging to The Ontario Iron & Steel Company, Limited, and The Page Hersey Iron Tube & Lead Company, Limited, and all buildings, structures, plant, appliances, machinery, tools and other personal property thereon, was fixed for all purposes except school taxes, at the sum of ten thousand dollars for each of the said Companies for a period of twenty years from the 26th day of February, 1906, and that the said By-laws were confirmed by an Act of the Legislative Assembly of the Province of Ontario, being 8 Edward VII., Chapter 78, and the said petition further represents that by conveyances dated the 28th day of January, 1911, The Ontario Iron & Steel Company, Limited, conveyed part of its lands above mentioned to The Page Hersey Iron Tube & Lead Company, Limited, and in exchange The Page Hersey Iron Tube & Lead Company, Limited, conveyed part of its lands above mentioned to Canadian Steel Foundries, Limited, and by another deed, also bearing date the 28th day of January, 1911, The Ontario Iron & Steel Company, Limited, conveyed the balance of its said lands to Canadian Steel Foundries, Limited, and by their petition the said Companies have prayed that an Act be passed confirming such assessments, notwithstanding the changed boundaries of said lands and notwithstanding the change of ownership from The Ontario Iron & Steel Company, Limited, to Canadian Steel Foundries, Limited; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Provisions
of By-laws
5 of 1906
and 14 of
1907, and
8 Edw. VII.,
c. 73, to
enure to
benefit of
Canadian
Steel Found-
ries, Ltd.,
and Page
Hersey Iron
Tube &
Lead Co.

1. The provisions of the said By-laws Numbers 5 (A.D. 1906) and 14 (A.D. 1907) of the Municipality of the Township of Crowland, and of the Act passed in the 8th year of His late Majesty's reign, Chaptered 78, confirming the same, shall enure to the benefit of the Canadian Steel Foundries, Limited, and The Page Hersey Iron Tube & Lead Company, Limited, as though the Canadian Steel Foundries, Limited, was named therein in place of The Ontario Iron & Steel Company, Limited, and notwithstanding any exchange of portions of said lands between the said Companies.

Fixed as-
sessment
of prop-
erty of
companies.

2. From and after the passing of this Act, and for and during the term of the said By-law Number 5 (A.D. 1906), the Municipality of the Township of Crowland shall assess that portion of the lands and premises described in said By-law and now owned by the Canadian Steel Foundries, Limited, as described in Schedule "A" hereto, and all buildings and erections that may be erected or made thereon for or in connection with the manufacturing purposes of the said Company (except the buildings on those parts of said lands that may be used for residential purposes) and the plant and appliances, machinery, tools, and other personal property of the said Company on said lands which may possibly become liable to taxation, at the sum of ten thousand dollars per year, for all purposes excepting school taxes; and shall assess that portion of said lands and premises described in said By-law Number 5 (A.D. 1906) now owned by The Page Hersey Iron Tube & Lead Company, Limited, as described in Schedule "B" hereto and all buildings and erections that may be erected or made thereon, for or in connection with the manufacturing purposes of said Company (except the buildings on those parts of said lands that may be used for residential purposes) and the plant and appliances, machinery, tools, and other personal property of said Company on said lands which may possibly become liable to taxation at the sum of ten thousand dollars per year for all purposes excepting school taxes.

Taxation
for local
improve-
ments.

3. Notwithstanding anything contained in the said By-laws or either of them, the land and property mentioned therein shall be subject to taxation for all Local Improvement Works, as if said By-law or By-laws had not been passed.

SCHEDULE "A."

LANDS OF CANADIAN STEEL FOUNDRIES, LIMITED.

All and singular those certain parcels or tracts of land and premises situate, lying and being in the Township of Crowland, in the County of Welland and Province of Ontario, and being composed of parts of the north halves of lots numbers 25 and 26 in the Seventh Concession of the said Township of Crowland, which may be more particularly described as follows: Beginning at the north-west angle of lot 25; thence east along the north limit of said lot Thirteen hundred and seventy-nine feet; thence south along the east limit of said lot number 25, Sixteen hundred and fifty feet; thence west and parallel with the north limit of said lot number 25, Five hundred and thirteen and three-tenths feet; thence north and parallel with the east limit of said lot number 25, Nine hundred and seventeen feet; thence west and parallel with the north limit of said lot, Four hundred and twenty feet; thence south-west at a bearing of south 42 degrees west, One hundred and forty-five feet; thence still south-west at a bearing of south 48 degrees west, Three hundred and eighty feet more or less to the west limit of said lot number 25; thence north along the west limit of said lot number 25, Two hundred feet; thence west parallel with the north limit of lot number 26, Seven hundred and sixty feet more or less to the easterly limit of the lands of The Department of Railways and Canals; thence northerly along said easterly limit of said lands, Five hundred and seventy-six feet more or less; thence east parallel with the north limit of said lot number 26, Three hundred and seventy-five feet more or less to the west limit of the School House lot; thence south, Thirty-eight feet to the south-west angle of the School House lot; thence east, Four hundred and ninety-three feet to the west limit of said lot number 25; thence north along the west limit of said lot number 25, Two hundred and seventy feet more or less to the place of beginning, containing forty-nine and eleven one-hundredths acres more or less.

SCHEDULE "B."

LANDS OF THE PAGE HERSEY IRON TUBE & LEAD COMPANY, LIMITED.

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Crowland, in the County of Welland and Province of Ontario, and being composed of part of the north half of lot number 25 in the Seventh Concession of the said Township of Crowland, which may be more particularly described as follows: Beginning at a point in the west limit of said lot number 25, One thousand feet south from the north-west angle of said lot number 25; thence south along the west limit of said lot number 25, Six hundred and forty-seven feet; thence east parallel with the north limit of said lot number 25, Eight hundred and sixty-five and seven-tenths feet; thence north parallel with the east limit of said lot number 25, Nine hundred and seventeen feet; thence west and parallel with the north limit of said lot number 25, Four hundred and twenty feet; thence south-west at a bearing of south 42 degrees west, One hundred and forty-five feet; thence still south-west at a bearing of south 48 degrees west, Three hundred and eighty feet more or less to the west limit of said lot number 25 and place of beginning, containing ten and eighty-nine one-hundredths acres more or less.

CHAPTER 137.

An Act to Incorporate the Central Canada Telephone Company.

Assented to 24th March, 1911.

Preamble.

WHEREAS John Thomas Horne, of the City of Fort William, in the District of Thunder Bay, Lumberman; Donald Hector Currie, of the Town of Kenora, in the District of Rainy River, Manufacturer; Thomas Walsh, of the same place, Capitalist; Major the Honourable Jeffrey Edward Prendergast Vereker, of the same place; Joseph Pattulo Earngey, of the same place, Editor; Patrick Kerwin, of the City of Toronto, in the County of York, Gentleman; and Sutherland Cuddy, of the same place, Gentleman; have by their petition prayed to be incorporated under the name of the Central Canada Telephone Company for the purpose of carrying on a telephone company with the powers hereinafter set forth; and have by their said petition shown that the proposed line of the Company is to run from a point at or near the City of Fort William or the City of Port Arthur to the Manitoba boundary; that the said proposed line will connect and give a telephone service to several large towns and industrial centres, now with no telephone service of any kind; that in such territory, especially during that period of the year when the grain is moving, there is a great necessity and an imperative demand for adequate telephone service, in order to enable the residents and business men of such territory to obtain immediate communication with the larger mercantile and shipping centres; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The said John Thomas Horne, Donald Hector Currie, Thomas Walsh, Major The Honourable Jeffrey Edward Prendergast Vereker, Joseph Pattulo Earngey, Patrick Kerwin and Sutherland Cuddy, and such other persons, firms or

corporations

corporations as shall hereafter become shareholders in the said Company, are hereby constituted a body politic and corporate under the name of "The Central Canada Telephone Company."

2. The said Company is hereby authorized and empowered to construct and operate a telephone line and system from a point at, near or in the City of Port Arthur to the Manitoba Boundary, passing through and connecting such intervening cities, towns and villages as may be deemed expedient and into or through such other territory in the districts of Thunder Bay, Kenora, Rainy River and Sudbury, as, by the said Company, shall be deemed expedient and advisable.

3. The said Company is hereby authorized and empowered to manufacture, buy, sell, let or lease telephones and other appliances connected therewith, and any other instruments or apparatus in connection with the business of a telephone company, and to acquire by purchase or otherwise the same, and any rights or patents relating thereto; and to build, construct, erect, maintain and operate, or sell or let any line or lines, system or systems, for the transmission of messages by telephone, and to make connection, and all necessary arrangements incident thereto, for the purpose of telephone business, with the line or lines of any person, or other company or corporation owning or operating a telephone line or system; and to aid or advance money to build or operate any such line or lines; provided however that notwithstanding anything herein contained the Company shall not do any Local Exchange business or operate a Local Telephone System in the Cities of Fort William or Port Arthur or between the said Cities during such time as the said Cities operate their own local telephone exchanges and systems and not thereafter without the leave of the Legislature—provided however that the Company may transmit in the said Cities, or either of them, any long distance telephone messages.

4. With the consent of the Council of any Municipality to be expressed by By-law, and in the case of the Municipalities of the City of Port Arthur and the City of Fort William, such By-laws are to receive the assent of the ratepayers of the Municipalities, to whom the matter shall be submitted, in the manner provided by *The Consolidated Municipal Act, 1903*, with respect to By-laws requiring the assent of the ratepayers, and under and subject to such terms and conditions as may be agreed upon between the Company and such Council, or in case the Council of the Municipality shall neglect or refuse to give such consent, or in case the terms or conditions imposed by the Council should

Location of line.

Power to manufacture and lease telephones and appliances, etc.

User of highways with consent of municipality or with consent of Ont. Ry. & Municipal Board in case of refusal by municipality.

should not be accepted by the Company, then with the consent of the Ontario Railway and Municipal Board, and upon such terms and conditions as the Board may impose on the Municipality and the Company, after hearing the Municipal Corporation, the company and any other company or individual affected, the Company may place, construct, erect, maintain and operate in, along, upon, over, across or under any public highway, street, lane, bridge, water course or other public communication in such Municipality, poles, ducts, wires and other necessary erections and plant for the purpose of carrying on its telephone business, notwithstanding the provisions of Chapter 75 of the Statutes of Ontario passed in the Ninth Year of the Reign of His late Majesty King Edward VII.

Proviso.

Provided however without limiting or in any way defining the terms and conditions which may be agreed upon or which may be imposed by the Ontario Railway and Municipal Board

- (a) That the Company shall not interfere with the public right of travelling on or using such highways, roads, streets, bridges, water or water courses.
- (b) That the said Company shall not erect, permit or continue any pole higher than forty feet above the surface of any highway, road, street, or bridge or affix or continue any wire less than twenty-one feet above the surface of any highway, road, street, bridge, water or water course.
- (c) That the Company shall not erect, or construct, any wire at a distance of less than three feet from any other wire used or intended to be used for the purpose of conveying or conducting electricity or electrical power by any other person or company, including a telephone company.
- (d) That the said Company shall not erect, permit or continue any pole or lines of poles along the same side of any street, road, highway or bridge as that on which any other poles are erected for the purpose of conveying or conducting electricity or electrical power by any other person or company, including a telephone company.
- (e) That all poles of the Company, erected or permitted within any incorporated City, Town or Village,

Village, shall be as nearly as possible straight and perpendicular, and shall be painted if so required by any by-law of the council of any such incorporated City, Town or Village.

- (f) That all the poles of the Company within any rural municipality or unorganized district shall be at least five inches in diameter at the top of the same, and within all other municipalities shall be at least seven inches in diameter at the top of the same.
- (g) That the lines, plant and work of the Company shall be constructed, maintained and operated in such manner as shall cause the least possible injury to or interference with (by induction or otherwise) the business and operation of any other telephone system or systems.
- (h) That in any of its operations the Company or its workmen or servants shall not cut down, mutilate or injure any ornamental or shade tree.
- (i) That the opening of any highway, road or street by the Company, its workmen or servants, for the erection of poles or for carrying wires underground, shall be done under the direction and supervision of the Council Engineer, or such other officer as the council of the municipality in which the work is intended to be done, shall appoint for such purpose;
- (j) That the surface of the highway, road or street shall in all cases be restored to its former condition by and at the expense of the Company; and
- (k) That when in case of fire it shall become necessary for its extinction that the telephone wires should be cut, the cutting under such circumstances of such wires, under the direction of the Chief Engineer or other officer of the fire brigade, shall not entitle the Company to demand or claim compensation for damage that may be so incurred.
- (l) That none of the preceding clauses shall be taken to limit the power of the Ontario Railway and Municipal Board to order the lines of the

Company

Company to be placed under ground in Cities if it shall seem proper to the Board so to do; or in the case of the lines being on poles, to order a change of the location or route of the poles and line, upon such terms as to the said Board may seem just.

User of
Crown lands
with con-
sent of
Minister.

5. The said Company may, subject to the consent of the Minister of Lands, Forests and Mines, to be first had and obtained, enter on, use, occupy and enjoy unoccupied lands of the Crown for the purpose of prosecuting any undertaking of the Company.

Power to
acquire
other
telephone
systems.

6. Subject to the provisions of section 18 the said Company is hereby authorized and empowered to acquire by purchase or lease for any term of years, any telephone line or system established or about to be established in Ontario and to amalgamate with or lease their line or lines or any portion or portions thereof, from time to time, to any person, corporation, municipality or telephone company, upon such terms and in such manner as the Board of Directors may from time to time deem expedient or advisable, or to become a shareholder, bond holder or debenture holder in such corporation or company.

Power to
acquire land,
easements,
etc.

7. The said Company is hereby authorized and empowered to acquire lands, rights of way and easements either by purchase or otherwise for any of the purposes of its undertakings and to take grants or conveyances thereof; and to sell and convey any such lands, rights of way or easements, as for the purpose of the Company may at any time be found necessary so to do, and to take without the consent of the owners thereof lands and easements, which may be necessary for the purpose of securing and maintaining rights of way for the lines of the Company, in like manner as under the provisions of *The Ontario Railway Act, 1906*, and any amendments thereto, in that behalf lands may be expropriated for the purpose of a Railway.

Expropria-
tion of
land.

6 Edw. VII.
c. 30.

Bonds.

8. The said Company is hereby empowered and authorized to issue Bonds of the Company for the purpose of raising money for exercising or prosecuting any of the powers or undertakings of the Company, the whole amount of the issue of such Bonds not to exceed in all the sum of \$2,000 for each mile of the line or system of the said Company.

Capital
stock.

9. The Capital Stock of the Company hereby incorporated shall be \$1,000,000, to be divided into 10,000 shares of \$100 each.

10. The persons named in the first section of this Act shall be the Provisional Directors of the Company and shall have power and authority to open stock books and to procure subscriptions for shares in the Capital Stock of the Company and to make calls upon subscribers and to do all necessary acts for the organization of the Company.

Provisional
directors.

11. The Provisional Directors shall hold office until the first general meeting of the shareholders of the Company, after the passing of this Act, which said General Meeting shall be held as soon as possible after one hundred thousand dollars at least of the Capital Stock shall have been subscribed for and ten per cent. thereon shall have been paid. Notice of such meeting shall be given by registered letter addressed to each shareholder.

Term of
office of
provisional
directors.

12. The Board of Directors of the said Company shall consist of not less than five and not more than nine Directors.

Number of
directors.

13. The head office of the Company shall be at the town of Kenora.

Head office.

14. The Provisional Directors or the Elected Directors may pay or contract to pay in paid-up stock or in the bonds of the said Company such sum as they may deem expedient to any person or corporation for material, plant, services or stock and also when sanctioned by a vote from the shareholders at any General Meeting, for the services of Promoters or other persons who may be employed by the Directors either Provisional or Elected, for the purpose of assisting the Directors in the organization of the Company, in furthering any of the undertakings of the Company, whether such person be Provisional or Elected Directors or not, or for the purchase of material, plant, patents, local franchises, real estate, rights of way, or easements, and any agreement so made shall be binding on the Company.

Power to
pay in stock
or bonds for
material or
services, etc.

15. The Directors of the said Company, whether Provisional or Elected, may pass By-laws creating and issuing any part of the Capital Stock of the Company as Preference Stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock, as may be deemed advisable and expedient.

Preference
stock.

16. The said Company or the Directors thereof may pass by-laws regarding and regulating the control and management of any of its undertakings, its dealings with the public, the collection of tolls, charges, rates or levies for the services given by the Company, and for the use, protection and care of its property while being used and enjoyed or otherwise

By-laws.

subject

subject to public or private use and to impose penalties for the infraction thereof.

Application
of certain
sections of
7 Edw. VII.,
c. 34.

17. The several sections of *The Ontario Companies Act* numbering from 17 to 19, 23 to 34, 56 to 66, 89 to 91 to 93 inclusive, and every amendment thereof, so far as applicable, shall be incorporated with, and deemed part of this Act, and shall apply to the said Company except only so far as they may be inconsistent with the express enactments hereof, and the expression of "this Act" when used herein shall be understood to include the said clauses of *The Ontario Companies Act* and every amendment thereof so incorporated with this Act.

Company
not to sell
to or amal-
gamate
with Bell
Telephone
Co.

18.—(1) The Company shall not sell, dispose of, or transfer any of its stock, or its charter, or franchises to the Bell Telephone Company of Canada, nor shall the Company purchase or acquire or accept the transfer of any of the stock of the Bell Telephone Company of Canada or its assigns.

(2) The Company shall not, nor shall any Company with which it may become amalgamated, nor shall any of the branch lines thereof, or any line of telephone leased by the Company or amalgamated company, or under its control, be at any time amalgamated with the Bell Telephone Company of Canada or any of its branch lines, or with any branch lines leased by the Bell Telephone Company of Canada or under its control; and such amalgamation and any arrangement for making a common fund or pooling of the earnings or receipts of the said two companies, or their or any of their branch lines, or of any telephone lines or parts thereof, leased by the said Companies or either of them shall be absolutely void.

Applications
of 10 Edw.
VII., c. 84.

19. All the provisions of *The Ontario Telephone Act, 1910*, shall apply to the said Company.

CHAPTER 138.

An Act respecting Little Nipissing Silver Cobalt Mining Company, Limited.

Assented to 24th March, 1911.

WHEREAS Little Nipissing Silver Cobalt Mining Company, Limited, a Company duly incorporated under the laws of the Province of Ontario, has an authorized capital of one million five hundred thousand dollars (\$1,500,000), divided into one million five hundred thousand (1,500,000) shares of the par value of one dollar (\$1.00) each; and whereas the amount of such capital stock authorized by the Shareholders or Directors to be issued is one million two hundred and fifty thousand dollars (\$1,250,000); and whereas at a Special General Meeting of the Shareholders of the said Company, held on the 24th day of February, 1911, a Report of the auditors of the Company was presented to the Shareholders, from which it appeared that certificates in excess of the said amount of one million two hundred and fifty thousand (\$1,250,000) dollars had been issued without any legal authority, to the extent of more than six hundred and forty-four thousand two hundred and forty-four dollars (\$644,244), and it further appeared that owing to the incomplete and mutilated condition of the stock books of the Company, it was impossible to determine the exact amount of such overissue, and also impossible to distinguish between certificates of stock issued with authority and those issued without authority; and whereas it is essential in order that the business of the Company may be carried on and continued, that the capital stock of the Company should be placed upon a legal basis, and it is desirable that this should be done without exonerating in any respect from liability those responsible for or in connection with the unauthorized issue of stock; and whereas at the said meeting of Shareholders a resolution was unanimously passed instructing the Directors to forthwith apply to the Legislature of the Province of Ontario for an Act increasing the capital stock of the Company to three million dollars (\$3,000,000), and providing that present holders of certificates should, within ninety days (or such other time as the Legislature may fix) after

the

the last publication of such notice or advertisement as may be required by the Legislature, surrender the certificates now held by them and receive in exchange therefor new certificates, and that certificates not surrendered within such period shall cease to entitle the holder to any rights as against the Company, and that such stock as may not be required for the purpose of redeeming outstanding certificates be reserved as Treasury Stock, and be disposed of by the Directors for the purpose of furnishing capital for the operation of the mine, and whereas it is expedient to pass an Act for such purposes;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Increase
of capital
stock.

1. The capital stock of the said Little Nipissing Silver Cobalt Mining Company, Limited, be and the same is hereby increased to three million dollars (\$3,000,000), divided into three million (3,000,000) shares of the par value of one dollar (\$1.00) each.

Certificates
of stock
to be sur-
rendered to
Trust Co.
within
90 days.

2. All holders of certificates of stock in Little Nipissing Silver Cobalt Mining Company, Limited, shall, within ninety days after the last publication of the advertisement herein-after directed, deliver or transmit to a Trust Company named as transfer agent in such advertisement, the certificates of stock so held by them, and, upon the receipt thereof by such Trust Company, shall thereupon become entitled to receive from the Company new certificates for the like amount of stock.

Non-sur-
render of
certificates,
effect of.

3. Certificates of stock not surrendered within such period as the Lieutenant-Governor in Council may order, shall cease to entitle the holder thereof to any interest in or rights against the Company.

Publica-
tion of
notice.

4. The Company shall publish a notice setting forth the effect of the provisions of this Act with reference to the surrender of stock, three times in a daily newspaper published in each of the following places, namely: Toronto, Montreal, New York, and Chicago, with an interval of two weeks between each publication in each such newspaper, and shall also mail, by registered post, such notice to all persons appearing by the books of the Company to be holders of stock.

Issue of
stock at
discount.

5. Four-fifths of the balance of the shares of the capital stock not required to redeem the outstanding stock certificates may be issued by the Directors at such discount as they

shall

shall deem proper, and the remaining one-fifth may also be sold at such discount after a day which may be fixed by the Lieutenant-Governor in Council.

6. Nothing herein contained or done hereunder shall in any way release or exonerate from responsibility or liability any present or former Officer or Director of the Company or any other person whatsoever from any liability which they would have been under but for the passing of this Act. Officers of company not released from liability.

7. Sections 2 and 4 of this Act shall come into force on the passing thereof, and the other sections shall come into force on a day to be named by the Lieutenant-Governor by his proclamation in that behalf. Date when Act to take effect.

CHAPTER 139.

An Act to authorize Prudential Trust Company,
Limited, to do business in the Province of Ontario.

Assented to 24th March, 1911.

Preamble.

WHEREAS Prudential Trust Company, Limited, (hereinafter called "The Company") has by its petition represented that it was incorporated by an Act of the Parliament of Canada, passed in the 8th and 9th years of the reign of His late Majesty, King Edward the Seventh, Chapter 124 (1909), and that its present capital is One million, five hundred thousand dollars, of which Five hundred and twenty-five thousand dollars has been issued and allotted, and of which 20 per cent. or One hundred thousand dollars has been paid in cash; and whereas the Company has prayed for the passing of an Act authorizing it to transact only the business of a Trust Company in the Province of Ontario in conformity to the public general law thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
carry on
business in
Ontario.

1.—(1) After giving security to the satisfaction of the Lieutenant-Governor of Ontario in Council in a sum of not less than \$200,000 the Company shall, upon filing with the Registrar appointed under *The Loan Corporations Act* the power of attorney required by section 108 of the said last mentioned Act, and upon being registered under the said Act, be authorized and empowered to carry on and exercise in the Province of Ontario the business of a Trust Company with the following powers; namely:—

- (a) To take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred, or conveyed to the Company with its consent, upon any trust or trusts whatsoever (not contrary to law), at any time or

times

times by any person or persons, body or bodies corporate, or by any court in the Province of Ontario.

- (b) To take and receive on deposit as Trustee or as Bailee, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds, debentures or other valuable papers or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe keeping of the same.
- (c) To act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money.
- (d) To act as agent for the purposes of issuing, registering, or countersigning certificates of stock, bonds or other obligations of any association, or corporation, municipal or other, and to ascertain and certify to the genuineness of any issue of stocks, bonds, debentures, or other securities for money of any Government, municipal or other corporate body duly authorized to issue and make the said issue.
- (e) To receive, invest, and manage any sinking fund therefor on such terms as may be agreed upon.
- (f) To accept and execute the offices of executor, administrator, trustee, receiver, accountant, arbitrator, adjuster, auditor and liquidator, assignee or of trustee for the benefit of creditors under any Act of the Legislature of the Province of Ontario; and of guardian of any minor's estate, or committee of any lunatic's estate, to accept the duty of and act generally in the winding-up of estates, partnerships, companies and corporations; provided that the liability of the Company to persons interested in an estate held by the Company as executor, administrator, trustee, receiver, assignee, guardian or committee as aforesaid, shall be the same as if the estate had been held by any private person in the like capacity, and the Company's powers shall be the same.

Proviso.

(g)

- (g) To invest any trust moneys in the hands of the Company in any securities in which private trustees may by law invest trust moneys, and also to invest such moneys in the public stock, funds, or Government securities of any of the Provinces of the Dominion, or in any securities guaranteed by the United Kingdom of Great Britain and Ireland, or by the Dominion or by any of the said Provinces, or in the bonds or debentures of any municipal corporation in any of the said Provinces, or in securities which are a first charge on lands held in fee simple in the Province of Manitoba, Alberta, or Saskatchewan.
- (h) To guarantee any investments made by the Company as agent or otherwise.
- (i) To sell, pledge or mortgage any mortgage or other security or any other real or personal property held by the Company from time to time, and to make and execute all requisite conveyances and assurances in respect thereof.
- (j) To make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the said Company, and to promote the objects and business of the said Company.
- (k) To receive moneys for investment and allow interest thereon for a reasonable time until invested.
- (l) To act generally as fiscal or other agent for any government or corporate body.
- (m) And for all such services, duties and trusts to charge, collect, and receive all proper remuneration, legal, usual and customary costs, charges and expenses.

Increase of
security
from time
to time.

(2) The Lieutenant-Governor in Council may at any time or from time to time increase the amount of such security by a notice in writing to the manager or secretary of the chief agency of the company in the Province of Ontario; and if the Company fails to furnish such increased security within two months after such notice then and thereupon the Company shall *ipso facto* become disentitled and shall cease to do further business in the said Province.

(3) The chief agency of the Company for the Province of Ontario shall be in the City of Toronto, and the Company shall keep at the said chief agency a manager and secretary, who, as well as all other officers at the said agency, or in the said Province, shall in respect of all business transacted by the Company in the said Province be absolutely subject to the control of the courts of the said Province as fully as if the head office of the company were within the said Province, and as if the Company were wholly managed and controlled therein.

Chief Agency
in the
Province.

(4) All the Investments of the company in respect of all trust business entrusted to it in the Province of Ontario shall (subject to the provisions as to investments contained in the deed, will, or other instrument of trust, and subject to the direction, if any, of the High Court of Justice or of any Judge thereof) be wholly invested at one or other of the agencies of the Company in the said Province; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies, and under the control of the courts of the said Province. The said trust securities shall (subject to the provisions of the said instrument of trust) be securities in which trustees are by the law of the said Province authorized to invest trust funds.

Investments.

(5) The Company shall be limited in respect of all business relating to property, rights or interests in the Province of Ontario, to the powers mentioned in this Act or granted from time to time to Trust Companies by any public Act or Order of the Lieutenant-Governor-in-Council of the said Province, and shall be subject to the general public law of the said Province relating to trust companies and trusts.

Company to
be subject
to the gen-
eral public
law of On-
tario relat-
ing to trust
Companies
and trusts.

2.—(1) The money and securities of each trust shall always be kept distinct from those of the Company and in separate accounts, and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the company, and at no time shall trust moneys form part of, or be mixed with the general assets of the Company.

Trust funds,
how to be
kept.

(2) Moneys, properties, and securities received or held by the Company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the Company.

Trust or
Agency
funds not
liable for
debts of
Company.

Accounts to
be rendered

(3) In case of the appointment of the Company to any trust or office by any court or judge in Ontario such court or judge may at any time, and from time to time, require the Company to render an account of its administration of the particular trust or office to which the Company has been so appointed, and a judge of the High Court may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security afforded to those by or for whom its engagements are held, and such person shall make his report to such court or judge, and the costs and expenses of such investigation shall be borne as ordered by such court or judge.

Investiga-
tion into
Company's
manage-
ment.

Investment
of moneys
of Company

(4) The Company may invest any moneys forming part of its own capital or reserve or accumulated profit thereon in any of the following securities as the directors deem expedient.

(a) Upon first mortgages of or hypothecs upon improved freehold property of ample value in Canada, the British Empire, or in the United States, and may accept personal property or covenants by way of collateral security thereto; Provided, however, that investments in any country other than Canada shall be limited to moneys received from such country.

(b) In the stock, funds of Government securities of Canada, or of any Province of Canada, or of the United States, or guaranteed thereby respectively, or in bonds or debentures of any municipal corporation in any such Province other than municipal corporations having a population of less than two thousand, or an annual rate of assessment exceeding two cents on the dollar, exclusive of school tax, or in the bonds and debentures of any school district in any such Province, or in the public stock, funds or Government securities of the United Kingdom, or of any of the colonies or dependencies thereof.

(c) On the security of real estate in Canada or any interest in such real estate or on the security of the debentures, bonds, stock and other securities of any chartered bank or Company incorporated by or under the authority of the Parliament of Canada, or of the Legislature of any Province.

Restriction
on borrow-
ing powers.

3. The Company shall not borrow money by taking deposits or by issuing debentures or debenture stock.

CHAPTER 140.

An Act to Incorporate Appleby School.

Assented to 24th March, 1911.

W HEREAS a petition has been presented by the ^{Preamble.} persons hereinafter named praying that they may be constituted a corporation for the purposes and with the powers herein mentioned, and it is expedient to grant the prayer of said petition—

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The persons hereinafter named and their successors in office are hereby constituted a corporation under the name ^{Incorporation.} of “Appleby School” (hereinafter referred to as the “Corporation”) for the purposes and with the powers herein mentioned.

2. The said persons are hereinafter called the “Board of ^{Board of} Governors” or “Board,” and the following shall be the first ^{Governors.} Board, viz.:—

Sir Edmund Walker
Z. A. Lash, K.C.
W. H. Brouse
Irving H. Cameron
Dr. John Caven
Rev. E. C. Cayley
H. J. Bethune

I. F. Hellmuth, K.C.
Milton L. Hersey, LL.D.
W. R. Wadsworth
E. E. A. DuVernet, K.C.
Hume Blake
G. M. Wrong, M.A.

The Headmaster for the time being of the School to be carried on by the Corporation under the name of Appleby School shall be *ex officio* a member of the Board.

3. Upon a vacancy occurring, by death, resignation or ^{Vacancies.} otherwise, in the office of any of the said Board, other than the *ex officio* member, his successor shall be appointed by the
remaining

remaining members of the Board who are not *ex officio* members, or by a majority of them.

Chairman
and vice-
chairman.

4. The Board shall from time to time appoint one of their number to be Chairman and may also appoint a Vice-Chairman; provided that in the absence of the Chairman from any Board meeting, or in case his office be vacant, the Vice-Chairman may act in his place, and in the absence of both Chairman and Vice-Chairman the Board may appoint one of their number to act as Chairman of the meeting. The board may appoint a Secretary and such other officers and employees as may be deemed necessary.

Number of
members on
Board.

5. The Board shall, until their number is changed, as below provided, consist of thirteen members, but the number may from time to time be increased or decreased by a resolution of the Board passed at a special meeting called for the purpose by the votes of not less than two-thirds of the entire Board; provided that the number shall never be less than five.

Representa-
tion on
Board of
Old Boys'
Associa-
tion.

6. The Board may from time to time by by-law provide for representation upon the Board of any Old Boys' Association composed chiefly of ex-pupils of the school which may be hereafter formed and may prescribe the terms and conditions (including the duration) of such representation. The representatives chosen or appointed pursuant to such by-law shall be members of the Board, subject to the terms and conditions so prescribed.

No remunera-
tion for
member of
board.

7. The services of the Board shall be given gratuitously, but the *ex officio* member may receive such remuneration for his services as Head Master or otherwise as the Board may think fit.

Power to
establish
and carry
on colleges,
etc.

8. In addition to the powers conferred upon the Corporation by paragraph 27 of section 7 of *The Interpretation Act*, the Corporation shall have power generally to establish and carry on Colleges and Schools for the education of youth, with boarding houses, gymnasiums and other accessories in connection therewith.

Power to
acquire and
hold land,
etc.

9. In connection with the purposes and powers of the Corporation, all persons and corporations may grant, devise and bequeath to the corporation, and notwithstanding any Act or law respecting mortmain and charitable uses, the corporation may acquire and take by purchase, lease, gift, devise, bequest or otherwise, and may continue to hold lands or tenements or interests therein, monies and personal property, and the new Corporation may execute and carry

out any trusts and terms upon which any lands or interests therein or personal property may be devised, bequeathed, granted or conveyed to it.

10. The Board may, for the purposes of its undertaking and no others, borrow money from time to time, and secure its repayment. Borrowing powers.

11. The powers of the corporation shall be exercised by the Board which may make and pass by-laws, resolutions, rules and regulations, not contrary to law or to the provisions of this Act, with respect to the conduct and management in all respects of the purposes and affairs of the Corporation and the exercise of the powers hereby conferred, including among all other matters the calling of meetings of the Board, the quorum, and the procedure in all things at such meetings, the appointment, functions, duties and removal of all officers, agents and servants and their remuneration, the management and administration of its Colleges and Schools and of all matters and things connected therewith; and the Board may confer upon the officers and persons employed in connection with its undertakings such powers of administration and discipline as it may think necessary. Exercising powers.

12. The Board may enter into and carry out agreements with the Governors of the University of Toronto, or any other University, providing for the affiliation with such University, upon such terms as may be agreed on, of any College carried on by the Board. Affiliation with University of Toronto

13. The Board may enter into and carry out such arrangements with the Governors of the University of Toronto, or any other University, as may be agreed on for the purpose of or in connection with the academic work of such University or of any faculty or department thereof. Agreement with Board of Governors of Toronto University.

CHAPTER 141.

An Act to Incorporate St. Andrew's College.

Assented to 24th March, 1911.

Preamble.

WHEREAS The Saint Andrew's College Company, Limited, has, by petition, represented that it was incorporated by Letters Patent under the Great Seal of Ontario, dated 28th June, A.D. 1899, to establish and carry on a College or Seminary of Learning for the education of youth; and whereas a school was established in the City of Toronto by the said Company under the name of "St. Andrew's College," which has been in operation for upwards of ten years; and whereas the whole of the issued capital stock of said Company has been transferred by the owners thereof to Trustees, to be transferred to the corporation hereby created to form part of an endowment therefor, it being the desire of said shareholders that said Company should be wound up and its property and assets transferred to the corporation hereby created; and whereas the said Company has by its Petition prayed that an Act may be passed for such purposes, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1.—(1) The persons hereinafter named and their successors in office are hereby constituted a corporation under the name of "St. Andrew's College" (hereinafter referred to as "the new corporation"), for the purposes and with the powers herein mentioned.

(2) The said persons shall be trustees and shall constitute the Board of Governors, hereinafter called "the Board," and the following persons shall be the first Board, viz:

John K. Macdonald, Esq., Sir William Mortimer Clark, J. W. Flavelle, Esq., Z. A. Lash, K.C., LL.D., Hon. Frank Cochrane, Lieutenant-Colonel Albert E. Gooderham, D. B. Hanna, Esq., Alex. Laird, Esq., Rev. T. B. Kilpatrick, D.D.,

Rev.

Rev. D. H. Fletcher, D.D., H. E. Irwin, K.C., Frank A. Rolph, Esq., Herbert J. Hamilton, M.D., A. M. Campbell, Esq., Rev. D. Bruce Macdonald, LL.D.

(3) The headmaster for the time being of the school to be carried on by the new corporation under the name of St. Andrew's College shall be *ex-officio* a member of the Board.

2. Upon a vacancy occurring, by death, resignation or otherwise, in the office of any of the said Board, other than of the *ex-officio* member, his successor shall be appointed by the remaining members of the Board, or by a majority of them.

Vacancies
how
filled.

3. The Board shall appoint annually one of their number to be chairman, who shall hold office for one year, or until his successor is appointed, and the Board may from time to time appoint one of their number to be Vice-Chairman. Provided that in the absence of the Chairman from any Board meeting, or in case his office be vacant, the Vice-Chairman may act in his place, and in the absence of both Chairman and Vice-Chairman the Board may appoint one of their number to act as Chairman of the meeting. The Board may appoint a Secretary and such other officers and employees as may be deemed necessary.

Chairman
and Vice-
Chairman
of Board.

4. The Board shall, until their number is changed as below provided, consist of fifteen members, but the number may from time to time be increased or decreased by a resolution of the Board passed at a special meeting called for the purpose by the votes of a majority of the entire Board. Provided that the number shall never be less than five.

Number of
members of
Board.

5. The Board may from time to time by by-law provide for representation upon the Board by "The St. Andrew's College Old Boys' Association," or by any Association composed chiefly of ex-pupils of the College, and may prescribe the terms and conditions (including the duration) of such representation. The representatives chosen or appointed pursuant to such By-law shall be members of the Board, subject to the terms and conditions so prescribed.

Representa-
tion of
St.
Andrew's
College
Old Boys'
Association
on Board.

6. The services of the members of the Board shall be given without remuneration, but the *ex officio* member may receive such remuneration for his services as Headmaster or otherwise as the Board may think fit.

No remun-
eration for
members of
Board.

7. In addition to the powers conferred upon the new corporation by paragraph 27 of section 7 of *The Interpretation Act*, the new Corporation shall have power to take over the undertaking

Power to
take over
assets of
Company,
7 Edw.
VII., c. 2.

undertaking and assets and to assume the liabilities of the St. Andrew's College Company, Limited, and to continue and carry on St. Andrew's College and other the undertaking and business of the said Company, and to acquire the assets and assume the liabilities of other schools or colleges if deemed wise, and generally to establish and carry on colleges and schools for the education of youth, with boarding houses, gymnasiums and other accessories in connection therewith.

Power to
hold lands,
etc.

8. In connection with the purposes and powers of the new Corporation, all persons and corporations may grant, devise and bequeath to the new Corporation, and notwithstanding any Act or law respecting mortmain and charitable uses, the new Corporation may acquire and take by purchase, lease, gift, devise, bequest or otherwise, and may continue to hold lands or tenements or interests therein, monies and personal property, and the new Corporation may execute and carry out any trusts and terms upon which any lands or interests therein or personal property may be devised, bequeathed, granted or conveyed to it.

Borrowing
Powers.

9. The Board may, for the purposes of its undertaking and no others, borrow money from time to time and secure its repayment.

By-laws,
rules and
regulations.

10. The powers of the Corporation shall be exercised by the Board, which may make and pass by-laws, resolutions, rules and regulations, not contrary to law or to the provisions of this Act, with respect to the conduct and management in all respects of the purposes and affairs of the Board, and the exercise of the powers hereby conferred, including among all other matters the calling of meetings of the Board, the quorum, and the procedure in all things at such meetings, the appointment, functions, duties and removal of all officers, agents and servants and their remuneration, the management and administration of its colleges and schools and of all matters and things connected therewith; and the Board may confer upon the officers and persons employed in connection with its undertakings such powers of administration and discipline as it may think necessary.

Company
authorized
to transfer
assets to
new Cor-
poration.

11. The Saint Andrew's College Company, Limited, is hereby authorized for a nominal or other consideration to transfer to the new Corporation its undertakings and assets, rights, powers and franchises, provided that the new Corporation assumes and agrees to pay and carry out all the liabilities, contracts and obligations of the said Company.

Liability
of new
corporation.

12. Upon the said transfer being made the new Corporation shall be and become liable to all persons to whom the

said

said Company may at the time of such transfer be liable with respect to any liability or obligation, contractual or otherwise. Provided always that no right or claim existing against the said Company shall be prejudiced by the said transfer, but all rights and remedies against the said Company shall remain and may be enforced either against the said Company or against the new Corporation.

13. The Trustees holding the shares of the Capital Stock of the said Company as above mentioned shall hold the same for the benefit of the new Corporation, and upon the said transfer by the said Company to the new Corporation being completed the said shares shall be transferred to the new Corporation or to whom it may appoint, and thereupon the powers of the said Company shall cease.

Powers of Company to cease on transfer of shares.

14. The Board may enter into and carry out agreements with the Governors of the University of Toronto, or of any other University, providing for the affiliation with such University, upon such terms as may be agreed on, of any college carried on by the Board.

Affiliation with Toronto University.

15. The Board may enter into and carry out with the Governors of the University of Toronto, or any other University, such arrangements as may be agreed on for the purpose of or in connection with the academic work of such University or of any faculty or department thereof.

Agreements with Board of Governors of University of Toronto.

CHAPTER 142.

An Act to incorporate the Young Men's Christian Association of Belleville.

Assented to 24th March, 1911.

Preamble.

WHEREAS it has been made to appear by the Petition of the Young Men's Christian Association of Belleville that the following are members of the Association: R. J. Graham, President; D. V. Sinclair, Vice-President; His Honour George E. Deroche, 2nd Vice-President; F. S. Deacon, Treasurer; E. P. Frederick, Secretary of the Board; J. L. Hess, General Secretary; W. B. Riggs, P. J. Smith, C. A. Hart, W. A. Chown, C. S. Clapp, E. F. Dickens, C. B. Scantlebury, J. A. Marsh, A. E. Bailey, W. B. Deacon, Walter Alford, John Elliott, Jesse Barlow, James Dyer, J. O. R. McCurdy, G. T. Woodley; that the said Association has been in existence in the City of Belleville for over fifteen years last passed; that the objects of the Association are the improving of the spiritual, moral, social, educational and physical life of its members and others; that the said Association desire to become incorporated by an Act of the Legislative Assembly of the Province of Ontario to enable it more effectually to carry out the above objects; that the said Association proposes to acquire land and erect buildings thereon in the City of Belleville for the purpose of assisting in carrying out the objects of the said Association and desires to have the same exempt from taxation, except Local Improvements; and whereas it is desirable to incorporate the Young Men's Christian Association of Belleville;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The Young Men's Christian Association of Belleville is hereby constituted a body corporate and politic under the name of "Young Men's Christian Association of Belleville," and is hereinafter called "the Association."

2. The following shall be the first Directors of the Association and shall remain in office till their successors are elected: ^{Directors.}
 R. J. Graham, President; D. V. Sinclair, Vice-President; His Honour George E. Deroche, 2nd Vice-President; F. S. Deacon, Treasurer; E. P. Frederick, Secretary of the Board; J. L. Hess, General Secretary; W. B. Riggs, P. J. Smith, C. A. Hart, W. A. Chown, C. S. Clapp, E. F. Dickens, C. B. Scantlebury, J. A. Marsh, A. E. Bailey, W. B. Deacon, Walter Alford, John Elliott, Jesse Barlow, James Dyer, J. O. R. McCurdy, G. T. Woodley, and they and other members of the Young Men's Christian Association who were members immediately prior to this incorporation shall be members of the Association hereby incorporated, until such time as they cease to be members under any by-laws, rules or regulations of the Association from time to time in force.

3. The by-laws, rules and regulations of the Young Men's Christian Association in force at the time of the incorporation herein shall remain in force till altered by the Association, except in so far as they are inconsistent with the provisions of this Act. ^{By-laws, etc}

4. The objects of the Association are the improving of the spiritual, moral, social, educational and physical life of its members and others. ^{Objects of Association.}

5. All the assets, rights and property of the Young Men's Christian Association shall belong to and be vested in the Association. ^{Disposition of Assets.}

6. The officers and members of the Association shall not as such be liable personally for any debt or obligation of the Association. ^{No liability of officers for debts.}

7.—(1) The Association may acquire by purchase, gift, devise or bequest whatever real and personal property is required to carry out the objects of the Association and, to the extent of one hundred thousand dollars in value, the same shall be exempt from taxation for all purposes except for School purposes and Local Improvements and except as provided by subsection (2), and the Association may mortgage, encumber or sell and convey same and may borrow money on mortgages, notes or debentures of the Association. ^{Power to acquire lands.}
^{Exemption from taxation.}

(2) Any portion of the buildings and lands of the Association used for commercial purposes, including dormitories, bedrooms or lunch-rooms when so used, shall be subject to assessment and taxation for Municipal and School purposes as though this Act had not been passed.

Contracts,
By-laws, et

8. The Association shall have power to make contracts and to pass by-laws, rules or regulations as to meetings, officers, qualifications for membership, membership fees, management of the affairs of the Association and the carrying out of the objects thereof and may from time to time delegate the powers as to management of any of the affairs of the Association and as to the carrying out any of the objects, to any committee or committees or board or boards composed of members of the Association.

Power to
acquire
lands not
required for
objects of
Associa-
tion.

9. The Association may acquire land by gift, devise or bequest, not required for the objects of the Association, if the annual value thereof is not greater than four thousand dollars and may hold the same for a period of not more than seven years and may within that time alienate or dispose of the same, and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, municipal debentures or other approved securities for the use of the said Corporation; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives.

CHAPTER 143.

An Act respecting the College of the Disciples.

Assented to 24th March, 1911.

WHEREAS The College of the Disciples was incorporated on or about the First Day of June, A.D. 1896, under the provisions of *An Act respecting Benevolent, Provident and other Societies* for promoting the education of persons in order to qualify them for the Christian ministry and other departments of Church work, and for the better enabling the Society to carry on its work, obtained a conveyance to and in the name of the Society of City Lot number 98, according to registered plan number 70, in the City of St. Thomas, and erected thereon a college building, and conducted the same as a college up to the month of April, 1909; and whereas the Board of Trustees of such College, having decided to wind up the affairs of the said Society, sold and conveyed the said lands and premises to the Board of Education of the City of St. Thomas by deed dated the 9th day of September, A.D. 1910, but by reason of certain irregularities in the election of members of the said College Board and in the proceedings thereof, doubts have arisen as to the validity of the said conveyance and both the said College Board and the Board of Education have by their petition prayed that an Act may be passed confirming the title to said lands in the said Board of Education and validating the said conveyance; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The conveyance of City Lot number 98 on the east side of Hiawatha Street in the City of St. Thomas, according to registered plan number 70, bearing date the 9th day of September, A.D. 1910, made by The College of the Disciples to the Board of Education for the City of St. Thomas, and registered in the Registry Office for the County of Elgin as number 33521 for St. Thomas, is hereby declared

Conveyance
from College
to Board of
Education
confirmed.

declared to be valid and binding upon the said The College of the Disciples, and the Board of Trustees thereof, and sufficient in law to convey and assure the said lands and premises to the said Board of Education, notwithstanding any irregularities in the election of the said Board of Trustees or in the proceedings thereof.

Title to
lands vested
in Board of
Education.

2. The title to the said Lot number 98 is hereby declared to be vested in the said Board of Education for the City of St. Thomas, and the said lands shall be held and used by such Board in accordance with the provisions of *The Public Schools Act*, and may be sold and conveyed by them when no longer required for school purposes.

CHAPTER 144.

An Act to confirm the acceptance of the Charlotte
Eleanor Englehart Hospital by the Town of
Petrolia.

Assented to 24th March, 1911.

W HEREAS Charlotte Eleanor Englehart, late of the Preamble.

Town of Petrolia in the County of Lambton, married woman, deceased, did by her last Will and Testament bearing date the 31st day of October, 1908, Probate of which was duly issued out of the Surrogate Court of said County on the 22nd day of March, 1909, devise her residence in the said Town of Petrolia, together with her grounds and the lands thereto adjoining and buildings thereon, to the said Town of Petrolia for the purposes of a general non-denominational hospital, subject to the acceptance by said Corporation of such devise and the execution of an agreement between said Corporation and the Executors named in the said last Will and Testament by which said Corporation should agree to establish, equip, properly maintain, and thenceforth operate said hospital and subject also to the concurrence of Jacob Lewis Englehart, the surviving husband of said deceased; and whereas the Municipal Council of the said Corporation did by by-law of which a copy is hereto attached marked schedule "A" provisionally passed on the 23rd day of May, 1910, accept such devise, which by-law was duly submitted to the qualified electors of said Corporation on the 20th day of June, 1910; by whom said By-law was endorsed and carried by a large affirmative majority; and said By-law was subsequently finally passed on the 11th day of July, 1910; and whereas said Corporation has entered into an agreement, a copy of which is hereto attached marked schedule "B," with the Executors named in the said last Will and Testament pursuant to the provisions thereof; and the said Jacob Lewis Englehart has in the said agreement concurred in the execution of said devise and in all other matters and things therein contained.

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

By-law 863,
of town of
Petrolia,
confirmed.

1. By-law Number 863 of the Corporation of the Town of Petrolia intituled "a by-law accepting and agreeing to establish the Charlotte Eleanor Englehart Hospital" set forth in Schedule "A" hereto, is confirmed and declared legal, valid, and binding upon the said Corporation and the ratepayers thereof.

Agreement
between
town of
Petrolia
and London
and Western
Trusts Co.,
Limited,
et al.,
confirmed.

2. That certain Indenture of Agreement bearing date the 17th day of October, 1910, made between the Municipal Council of the Corporation of the Town of Petrolia of the one part and the London and Western Trusts Company, Limited, George Glen Moncrieff and Jacob Lewis Englehart, Executors of the second part and the said Jacob Lewis Englehart of the third part, set forth in Schedule "B" hereto, is confirmed and declared valid and binding upon the said Corporation and the ratepayers thereof.

SCHEDULE "A."

BY-LAW No. 863.

A By-law Accepting and Agreeing to Equip and Establish the Charlotte Eleanor Englehart Hospital.

Whereas the late Charlotte Eleanor Englehart, late of the Town of Petrolia, in the County of Lambton, Married Woman, did by her last will and testament give, devise and bequeath the real property owned by her in said Town, together with the buildings and erections, plant, machinery and appliances, with the appurtenances thereon or in any way connected, used and enjoyed therewith, including the golf links property, at the time mentioned therein, to this town for the purposes of an undenominational General Hospital to be called the "Charlotte Eleanor Englehart Hospital," upon the conditions and trusts named in the will of the said deceased, but subject to the direction and disposal of her husband, Jacob Lewis Englehart.

And whereas the said Jacob Lewis Englehart has signified his consent and concurrence to the provisions of the said will being given immediate effect to and the said bequest coming into full force and effect so soon as the same is legally accepted by this Corporation, by letter to the Mayor bearing date the 29th day of November, 1909.

Now therefore be it enacted by the Council of this Corporation that, subject to this By-law being approved of by the qualified electors of the Municipality and to the same being confirmed (if necessary) by an enactment of the Legislature of the Province of Ontario, this Council does hereby accept the devise and bequest contained in the will of the said Charlotte Eleanor Englehart, deceased, which bequest includes the following lands and premises:

Firstly: All and singular that certain parcel or tract of land and premises situate, lying and being in the Town of Petrolia, in the

County

County of Lambton and Province of Ontario, being composed of that part of Lot number Twelve formerly in the Tenth Concession of the Township of Enniskillen described as follows:—

Commencing at a point on the east limit of said Lot Twelve at the intersection of the south limit of the street forming the continuation or extension easterly of Dufferin Avenue with the west limit of the side road lying between said Lot Twelve and Lot Thirteen, said road now known as Greenfield Street, then westerly along the south limit of said extension of Dufferin Avenue three chains more or less to the north-west corner of land conveyed by Edwin M. Moore to the Grantor by deed dated the Third day of July, 1884, thence southerly parallel to the east limit of said lot, six hundred and forty feet more or less to the centre of Bear Creek, thence in a north-easterly direction against the stream three chains more or less to the east limit of said lot, thence northerly along the east limit of said lot, five hundred and two feet more or less to the place of beginning.

Secondly: All those certain parcels or tracts of land and premises in the said Town of Petrolia and being composed of the east forty feet of Sub-lots Nine, Ten, Eleven, Twelve, Thirteen and all of Sub-lot Fourteen, all on the east side of Blanche Street, according to a plan and sub-division of part of Lot number Twelve formerly in the Tenth Concession of the Township of Enniskillen, now in the said Town of Petrolia, made for Frank Smith, Esquire, by J. J. Francis, P. L. S., and registered in the Registry Office for the County of Lambton on the 22nd day of May, 1882.

Thirdly: Sub-lot number Twenty-seven in said Frank Smith's survey, excepting that part at the west end thereof extending from King Street easterly to a line drawn southerly across said Sub-lot Twenty-seven from the south-west angle of said Sub-lot Fourteen in a straight line with the east limit of Blanche Street produced, said excepted portion having a frontage of thirty feet more or less on King Street by a depth of two hundred and nine feet more or less.

Fourthly: That parcel known as the "Golf Links property," and being composed of parts of Lots numbers Twelve and Thirteen in the Tenth Concession formerly in the Township of Enniskillen, but now in the said Town of Petrolia, containing about twenty-four acres more or less.

Together with the residence, buildings, erections, plant, machinery and appliances, with the appurtenances thereon or in any way connected, used or enjoyed therewith, and does hereby agree to properly and efficiently equip, maintain and operate a hospital in the residence thereon in accordance with the spirit and the terms and conditions of the will of the said Charlotte Eleanor Englehart, deceased, which will bear date the 31st day of October, 1908, probate of which was issued out of the Surrogate Court of the County of Lambton on the 22nd day of March, 1909, and subject to the terms of forfeiture therein stipulated and provided.

The votes of the qualified electors of this Municipality shall be taken on this By-law by the Deputy Returning Officer herein named on Monday, the 20th day of June, 1910, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places.

Polling Sub-division No. 1, at the office of Lawson's Livery barn, Petrolia Street, by Peter S. Kyle, Deputy Returning Officer. Polling Sub-division No. 2, at the Council Chamber in the Town Hall, Greenfield Street, by John Sinclair, Deputy Returning Officer. Polling Sub-division No. 3, at the East End Fire Hall, Petrolia Street, by

George F. Stone, Deputy Returning Officer. Polling Sub-division No. 4, at the office of John Kerr's Blacksmith shop, Petrolia Street, East End, by James L. Simpson, Deputy Returning Officer.

On Friday, the 17th day of June, 1910, at his office in Victoria Hall, Petrolia, at ten o'clock in the forenoon, the Mayor shall appoint in writing, signed by himself, two persons to attend to the final summing up of the votes by the Clerk of said Corporation, and one person to attend at each of said polling places on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the By-law respectively. The Clerk shall attend at the Council Chamber of said Municipality, in Victoria Hall, at the hour of ten o'clock in the forenoon of Tuesday, the 21st day of June, A.D. 1910, to sum up the number of votes given for and against this By-law.

This By-law shall take effect from and after the day of the final passing thereof, provided that a majority of the ratepayers entitled to vote on the same assent thereto, unless the consent of the Legislature by Act of Parliament is required thereto to validate the same, in which case this By-law shall take effect from and after the confirmation thereof by an enactment of the Legislature of the Province of Ontario.

Provisionally passed this 23rd day of May, 1910.

E. POLLARD, *Mayor*.
JOHN MCHATTIE, *Town Clerk*.

Finally passed this 11th day of July, 1910.

SCHEDULE "B."

This Indenture of Agreement made this 17th day of October, in the year of our Lord one thousand nine hundred and ten,

between

The Municipal Corporation of the Town of Petrolia, herein-after called the "Corporation," of the first part;

and

The London and Western Trusts Company, Limited, George Glen Moncrieff, of the Town of Petrolia, in the County of Lambton, Barrister-at-Law, and Jacob Lewis Englehart, of the said Town of Petrolia, Oil Operator, the Executors of the last Will and Testament of Charlotte Eleanor Englehart, late of the said Town of Petrolia, Married Woman, deceased, of the second part;

and

Jacob Lewis Englehart, of the said Town of Petrolia, of the third part.

Whereas under and by the terms of the last Will of the late Charlotte Eleanor Englehart the property hereinafter described was devised and bequeathed to the Corporation for the purpose of an undenominational General Hospital, subject to the terms, conditions

and

and trusts set forth in the Will of the said Charlotte Eleanor Englehart, deceased, and subject to the concurrence of the party of the third part and to the acceptance of the said gift upon the said terms, conditions and trusts by the Corporation.

And whereas such portion of the Will of the said deceased as relates to the gift of the hospital is as follows:

"I give, devise and bequeath the residence occupied by my husband and myself, with all the lands, plant, buildings and appurtenances connected, used and enjoyed therewith situated in the Town of Petrolia or adjoining said Town, to my dear husband, Jacob Lewis Englehart, to have, hold and fully enjoy as if he were the absolute owner thereof for and during his life.

"After the death of my said husband, and subject to his power and right to dispose thereof or otherwise deal therewith as hereinafter is provided, I give, devise and bequeath the said residence property, with all the lands, buildings and erections, plant, machinery and appliances, with the appurtenances thereon or in any way connected, used and enjoyed therewith, including the golf links property now owned by my said husband and by his will devised to me and particularly described in the conveyance thereof, to the Municipal Corporation of the Town of Petrolia, for the purposes of a General Hospital for said Town. Provided, and this devise is made on the express condition that the Council of said Town, within one year after the death of myself and my husband or the survivor of us, duly passes a proper By-law of said Town accepting such devise and entering into an agreement and covenant with my executors and trustees or the survivors or survivor of them (which By-law and agreement is to be satisfactory to my said executors and trustees or the survivors or survivor of them), to the effect that the Corporation of the said Town will, within such time as shall be agreed upon with my executors and trustees, establish, equip and properly maintain and operate for all time hereafter a General Hospital for said Town in said premises; that the said Hospital shall be called 'The Charlotte Eleanor Englehart Hospital'; that such Hospital shall be established and always maintained as a non-denominational Hospital; that all denominations of religious bodies shall have equal rights and privileges therein and thereto, subject to the rules, by-laws and regulations which may from time to time be passed or adopted by the trustees or other governing body thereof, and subject to such other provisions and conditions as shall be approved of by my executors and trustees, or the survivors or survivor of them, and set forth in such agreement.

"The said Hospital, if accepted and established as before provided, shall be under the control and direction of a Board of Trustees to be called the Hospital Board, and such Board shall be composed of the Mayor for the time being of said Town, two councillors of said Town to be chosen from the Council in each year, the Police Magistrate of said Town; and by two persons, one to be appointed by George Glen Moncrieff and another by The London and Western Trusts Company, Limited, and such appointments by the said Moncrieff and the said Trusts Company may be made for a term of one or more years at a time, and the same or other parties may be reappointed from time to time on the expiry of the term or terms for which the appointments are made, or as vacancies occur or occasion requires, and on the death of the said George Glen Moncrieff his executors or other persons named by him for that purpose shall have and possess such power of appointment in his place and stead; or should the said George Glen Moncrieff think proper from time to time to himself act, he may do so instead of making an appointment; or should it be determined at any time or times, by a vote of the qualified electors of said Town, that it would be expedient and for the more efficient working of the Hospital and the good of the citizens of the Town that two Hospital trustees be elected by the vote

of the qualified electors qualified to vote at Municipal elections, this may be done, and if so, they, with the Mayor of the Town and the appointees of the said Moncrieff, or himself if he so desires, and of such Trusts Company, shall constitute the Hospital Board, and so long as the main or principal features of my Will as before outlined are complied with, alterations and changes in the details may be made from time to time with the sanction of my executors and trustees, or the survivors or survivor of them, if it is considered by all parties that such would conduce to the more efficient working and management of the Hospital.

"I desire that the clergymen of all religious bodies or associations shall have equal rights as visitors of said Hospital.

"Should the Council of said Town of Petrolia neglect or refuse within the time limited to pass such a By-law and enter into such agreement with my executors and trustees as approved of by them, or, having passed such a By-law and entered into such agreement at any time thereafter, fail or neglect to properly and efficiently establish, equip, maintain and operate such Hospital in accordance with the spirit of this my Will and the Will of my husband with reference thereto, this devise shall thereupon be absolutely null and void, and shall be considered as revoked as fully and effectually to all intents and purposes as if I, by my Will or any codicil thereto executed subsequent to the date of this my Will, duly revoked the same, and the said property and every part thereof, with all rights, privileges and appurtenances relating thereto or connected therewith, shall thereupon pass and be disposed of and dealt with by my executors and trustees, or the survivor of them, as if the same were part and parcel of the residuary estate of my said husband, and as such passed and was disposed of under his Will.

"It is not my desire that any mere technical objection or technical non-compliance with this my Will shall avoid this devise so long as the spirit of my Will is carried out, and my executors and trustees, or the survivor of them, shall determine the intention of my Will relating to this devise and what is or what is not a compliance or non-compliance with the provisions of my Will relating to said Hospital devise, and their decision in the premises shall be final.

"It is declared and understood that all such necessary alterations, changes and additions as are directed by the Hospital Board or other governing body of said Hospital as hereinbefore appointed may from time to time be made, and the Corporation of said Town, with the sanction of the Hospital Board, may sell and dispose of said property or any part or parts thereof should be deemed advisable, but in such case the moneys realized from any such sale or sales shall be used for the purpose of acquiring other lands in said Town or adjacent thereto, and erecting buildings or a building thereon which shall be used for the purposes of a General Hospital for said Town, to be established, maintained and equipped and operated under the same name and under the said conditions, and under the same control or direction as nearly as reasonably can be, as are hereinbefore provided, or such moneys, if part of the property only is disposed of, may be applied and used in enlarging, adding to or altering the present or any future buildings erected on said property or improving the property retained.

"The said Municipal Corporation, with the sanction of the Hospital Board, may rent the golf links property, the rent or income therefrom to be applied for the maintenance of such Hospital.

"I direct and will that my said husband, should he survive me, shall have full and absolute power, right and authority, either by his last will and testament, or by any codicil thereto, or by any con-

veyance

veyance executed by him, to dispose or otherwise deal with the said residence and property, or the golf links property so devised, or any part thereof, as he may see fit, or he may vary or alter any of the terms or provisions of this my Will relating thereto in such way or manner as he may deem proper, and any appointment, disposal, variation or alteration made by him shall be as effectual as if made by any Will or codicil containing the same, or by any conveyance made by me subsequent to the execution of this my Will."

And whereas the Corporation, by the Council thereof, signified its desire to accept the said gift forthwith by By-law which was duly submitted to the qualified electors of the Corporation, who endorsed said By-law by a large affirmative majority vote, and which was subsequently finally passed by the said Council on the 11th day of July, 1910.

And whereas the party of the third part is given full power by said Will to vary or alter any of the provisions thereof relating to said Hospital gift, and he has deemed it wise that the provision in said Will for the election of two Hospital trustees by the vote of the electors of the Corporation qualified to vote at Municipal elections (in lieu of being appointed by and from the Municipal Council thereof) should be brought into effect, and has signified his desire that the devise aforesaid should be made operative forthwith.

Now therefore this indenture witnesseth that in consideration of the premises and other valuable consideration and the covenants herein contained, it is hereby agreed by and between the parties hereto, their and each of their heirs, executors, administrators, successors and assigns in the manner following, that is to say:

1. The Corporation shall establish and equip by 31st December, 1910, and thereafter for all time properly maintain and operate a General Hospital in the place and manner and in accordance with the spirit and terms, and subject to all the conditions of the Will of the deceased hereinbefore recited, as varied by clause numbered (3) of this indenture, which Will bears date the 31st day of October, 1908, probate of which was issued out of the Surrogate Court of the County of Lambton on the 22nd day of March, 1909.

2. The Corporation further agrees to abide by and be subject to all the terms, conditions, obligations and trusts hereinbefore recited and contained in said Will, as varied by clause numbered (3) of this indenture, and to fully perform and carry out all the terms, conditions, obligations and trusts as varied by said clause on its part required thereby to be observed and performed as fully and effectually as if each and every of the said terms, conditions, obligations and trusts were set out at full length in this, the enacting portion of this indenture.

3. Pursuant to the powers vested in the party of the third part under and by virtue of the provisions of said Will respecting said devise, the terms thereof shall be, and they are by this indenture, altered by the party of the third part in manner following: In lieu of the "Two Councillors of said Town to be chosen from the Council in each year" as two of the Trustees of the Board of Trustees of said Hospital, the said two Trustees shall be elected by the vote of the electors qualified to vote at Municipal elections of said Corporation at the same time and in the same manner as the election of Councillors under the provisions of "The Municipal Act," each Trustee so elected shall hold office for two years, except at the first election of said Trustees, at which one shall be elected to hold office for one year, the other of them for two years, and thereafter one Trustee shall be elected at the Municipal Election each year in the place of the Trustees whose term of office expires. When and as often as the office of either of said two Trustees becomes vacant

before

before the expiration of the term, the Municipal Council of said Corporation shall appoint a trustee in his place and stead, and the Trustee so appointed by the Council shall hold office during the unexpired portion of the term.

In other matters pertaining to the election of said two Trustees not herein specially provided for, the provisions of "The Municipal Waterworks Act" and amendments thereto relative to the election of Commissioners shall, in so far as applicable thereto, apply in like case to the election of said two Trustees. Provided that members of the Municipal Council and of the Board of Waterworks Commissioners of said Corporation shall be eligible for election as such Trustees; but save as aforesaid no other variations or alterations shall be made in the terms of said Will.

4. So soon as the By-law required by said Will, to be passed as an acceptance by the Corporation of the devise therein, shall have received the sanction and approval of the Legislature of the Province of Ontario as required by law, the executors hereby covenant and agree to convey to the Corporation all lands, buildings and appurtenances connected, used and enjoyed therewith, situate in the Town of Petrolia or adjoining said Town, which were devised or intended to be devised by the said Charlotte Eleanor Englehart, deceased, in and by the terms of her said Will, and which property is more particularly described as follows. Firstly, commencing at a point on the east limit of said Lot Twelve at the intersection of the south limit of the street forming the continuation or extension easterly of Dufferin Avenue with the west limit of the side road lying between said Lot Twelve and Lot Thirteen, said road now known as Greenfield Street, then westerly along the south limit of said extension of Dufferin Avenue three chains more or less to the north-west corner of land conveyed by Edwin M. Moore to the Grantor by deed dated the Third day of July, 1884, thence southerly parallel to the east limit of said lot, six hundred and forty feet more or less to the centre of Bear Creek, thence in a north-easterly direction against the stream three chains more or less to the east limit of said lot; thence northerly along the east limit of said lot five hundred and two feet more or less to the place of beginning.

Secondly: All those certain parcels or tracts of land and premises in the said Town of Petrolia, and being composed of the east forty feet of Sub-lots Nine, Ten, Eleven, Twelve, Thirteen and all of Sub-lot Fourteen, all on the east side of Blanche Street, according to a plan and sub-division of part of Lot number Twelve, formerly in the Tenth Concession of the Township of Enniskillen, now in the said Town of Petrolia, made for Frank Smith, Esquire, by J. J. Francis, P. L. S., and registered in the Registry Office for the County of Lambton on the 22nd day of May, 1882.

Thirdly: Sub-lot number Twenty-seven in said Frank Smith's survey, excepting that part at the west end thereof, extending from King Street easterly to a line drawn southerly across said Sub-lot Twenty-seven from the south-west angle of said Sub-lot Fourteen in a straight line with the east limit of Blanche Street produced, said excepted portion having a frontage of thirty feet more or less on King Street by a depth of two hundred and ninety feet more or less.

Fourthly: That parcel known as the "Golf Links Property," and being composed of parts of Lots numbers Twelve and Thirteen in the Tenth Concession formerly in the Township of Enniskillen, but now in the said Town of Petrolia, containing about twenty-four acres more or less.

5. And the party of the third part shall execute the conveyance referred to in the next preceding clause numbered (4) hereof, and hereby ratifies and confirms, consents to and approves of, all the matters and things contained in this agreement.

In witness whereof the Corporation has hereunto affixed its seal under the hands of the Mayor and Clerk thereof, and the other parties have hereunto set their hands and seals.

(Sgd.) EDWARD POLLARD, <i>Mayor</i> .	
(Seal.)	(Sgd.) JOHN MCHATTIE, <i>Clerk</i> .
	(Sgd.) THE LONDON & WESTERN TRUSTS
(Seal.)	COMPANY, LIMITED.

Witness as to execution by The London and Western Trusts Co., Ltd. (Sgd.) A. GALBRAITH.	{	(Sgd.) JOHN LABATT, <i>Vice-President</i> .	
		(Sgd.) JOHN S. MOORE, <i>Manager</i> .	

Witness as to execution by G. G. Moncrieff. (Sgd.) F. W. WILSON.	{	(Sgd.) G. G. MONCRIEFF.	(Seal.)

Witness as to execution by Jacob Lewis Englehart. (Sgd.) A. J. MCGEE.	{	(Sgd.) J. L. ENGLEHART.	(Seal.)

CHAPTER 145.

An Act respecting the Hamilton Young Men's Christian Association.

Assented to 24th March, 1911.

Preamble.

WHEREAS The Hamilton Young Men's Christian Association has by Petition represented that the said Association was incorporated on the 27th day of February, 1886, under Chapter 167 of the Revised Statutes of Ontario, 1877, intituled *An Act respecting Benevolent, Provident and Other Societies*, and whereas the said Association has by its Petition prayed that an Act may be passed extending its powers as is hereinafter set out, and it is expedient to grant the prayer of the said Petition,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation confirmed.

Power to acquire and hold real estate.

1. The incorporation of the said Association or Corporation is confirmed and The Hamilton Young Men's Christian Association is declared to be a body corporate and politic and to have been duly incorporated under the provisions of the said Act respecting Benevolent, Provident and other Societies, with the rights, powers and privileges in the said Act and the certificate of Incorporation of the said Association mentioned, and all the real and personal estate, property, assets and effects and all present and future grants, devises, legacies and bequests, and all titles, securities and instruments and all rights, claims and liabilities in favour of or against The Hamilton Young Men's Christian Association are declared to be vested and shall enure to or against The Hamilton Young Men's Christian Association as fully and effectually to all intents and purposes as if the said Association had been incorporated by an Act of the Province of Ontario, and the said corporation shall have power to acquire and hold real estate in the City of Hamilton and the same, or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require, and may also acquire any other real estate or interest therein

(so

(so long as the annual value of the same shall not at any one time exceed \$5,000.00) by gift, devise, or bequest, if made at least six months before the death of the person making the same, and may hold such estate or interest therein for a period of not more than seven years, and may within that time alienate or dispose of the same, and such estate or interest therein as may not within the said period be alienated or disposed of, shall revert to the person from whom the same was acquired, his heirs and representatives.

2. The objects of the said corporation shall be the promotion of the spiritual, intellectual, social and physical welfare of young men and boys by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasium and such other means as may from time to time be determined upon, and the promotion of Christian work in the said City. Objects of corporation.

3. The constitution and by-laws by which the Association is now governed shall continue to be the constitution and by-laws of the said corporation, but they, or any of them, may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated. Constitution and by-laws.

4. The officers and members of the Board of Directors of the Association at the time of the passing of this Act shall be the officers and members of the Board of Directors of the said corporation, and shall retain their respective offices and positions until others shall be elected in their place. Officers and members.

5. The said Corporation shall at all times when required by the Lieutenant-Governor-in-Council make an annual return of all property held by it, with such details and other information as he may require. Annual return.

6. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate. Application of funds.

7. The real estate vested in the said corporation shall continue to be subject to existing incumbrances thereon, and shall be managed and controlled by a Board of Directors, who shall be elected in accordance with the constitution and by-laws of the corporation, and the real estate shall not, nor shall any part thereof, be liable for any future debts or obligations unless the debt or obligation shall have been contracted with the consent of at least three-fourths of the members of the Board of Directors, expressed by resolution duly passed and recorded. Management of real estate.

Election of
directors,
etc.

8. The corporation may, by by-law, increase or decrease the number of Directors and provide as to their qualification, mode of election, and the time for which they shall hold office.

Technical
education.

9. The said corporation shall have power to establish a system of technical education, including such branches of science and the development of such of the industrial arts as the Board of Directors of the said corporation may from time to time determine.

Exemption
from
taxation.

10.—(1) The buildings of The Hamilton Young Men's Christian Association and the lands whereon the same are erected, and such lands as are occupied by and used for the purposes of the Association, so long as the same are occupied by and used for the purposes of the Association, shall be and the same are declared to be exempt from taxation, except for School purposes and Local Improvements and except as provided by subsection (2).

(2) Any portion of the buildings and lands of the Association used for commercial purposes, including dormitories, bedrooms or lunch-rooms when so used, shall be subject to assessment and taxation for Municipal and School purposes as though this Act had not been passed.

CHAPTER 146.

An Act respecting the Hamilton Young Women's
Christian Association.*Assented to 24th March, 1911.*

WHEREAS by the Act passed at the second session held in the 62nd year of the reign of Her late Majesty Queen Victoria, Chapter 114, the name of the original Hamilton Young Women's Christian Association was changed to that of The Hamilton Young Women's Christian Association and Technical Institute, and whereas the said Association and Institute has by its Petition prayed that an Act may be passed changing its present name back to the original name and for other purposes hereinafter set out, and whereas it is expedient to grant the prayer of the said Petition,

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporate name of the "Hamilton Young Women's Christian Association and Technical Institute," is changed to the name of "The Hamilton Young Women's Christian Association."

Change of name.

2. The object of the said Corporation shall be the promotion of the spiritual, intellectual, social and physical welfare of young women and girls by the maintenance and support of meetings, lectures, classes, reading rooms, library, teachers, officers and such other means as may from time to time be determined upon.

Objects of corporation.

3. The funds of the said Corporation shall be used for the purposes authorized by the special Acts relating to it and nothing herein contained shall authorize the said Corporation to engage in the business of trading in real estate.

Application of funds.

4. The constitution and by-laws by which the said Association is now governed shall continue to be the constitution and by-laws.

Constitution and by-laws.

and

and by-laws of the said Corporation, but they, or any of them, may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Officers and members.

5. The officers and members of the Board of Directors of the Association at the time of the passing of this Act shall be the officers and members of the Board of Directors of the said Corporation, and shall retain their respective offices and positions until others shall be elected in their place.

Number and qualification of directors.

6. The Corporation may by by-law increase or decrease the number of directors and provide as to their qualification, mode of election and the time for which they shall hold office.

Annual return.

7. The said Corporation shall at all times when required by the Lieutenant-Governor in Council, make an annual return of all property held by it with such details and other information as he may require.

Exemption from taxation.

8.—(1) The buildings of the Hamilton Young Women's Christian Association and the lands whereon the same are erected, so long as the same are occupied by and used for the purposes of the Association, shall be and the same are declared to be exempt from taxation, except for School purposes and Local Improvements, and except as provided by subsection (2).

(2) Any portion of the buildings and lands of the Association used for commercial purposes, including dormitories, bedrooms or lunch-rooms when so used, shall be subject to assessment and taxation for Municipal and School purposes as though this Act had not been passed.

Rights and powers under 62 V. (2), c. 114.

9. All the rights and powers of the said Association are to continue except in so far as the provisions of this Act may be inconsistent with the provisions of chapter 114 of the Acts passed at the 2nd Session held in the 62nd year of the reign of Her late Majesty Queen Victoria, in which case the former to the extent of such inconsistency are repealed.

CHAPTER 147.

An Act to incorporate the Association or Order known as the King's Daughters and Sons.

Assented to 24th March, 1911.

WHEREAS an Association or Order under the name of Preamble.
The King's Daughters and Sons has existed for several years; and whereas the work of the said Association or Order can be carried on with greater permanency and efficiency if incorporated; and whereas Margaretta Stephens Savage, Gertrude Adams, Gertrude E. Strange, and Julia E. Austen, officers and members of the Executive Committee of the said Association or Order acting on behalf of and by the instruction of the said Committee and with the approval of the said Association or Order known as The King's Daughters and Sons, have by petition prayed to be incorporated with power to acquire and hold freehold or leasehold or other interests in real estate and other property for the purposes of the Association or Order and with other powers; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Margaretta Stephens Savage, Gertrude Adams, Margaret A. Hislop, Julia E. Austen, Louise Bigger, Gertrude E. Strange, Agnes E. Purdy, Lily M. Fessant, Amelia McIntosh, Ella F. Davis, Edith Isobel Wallace, and such other persons as are now or shall hereafter become members of the said Association or Order shall be and they are hereby constituted a body politic and corporate under the name of "The King's Daughters and Sons," and shall have power to acquire and hold for its own use or in trust for any local branch of the said Association or Order of the King's Daughters and Sons, real estate in Ontario or any leasehold or other interest therein, provided the annual value of the real estate so acquired or held and not actually used for the work of the Incorporation.
corporation

corporation or in trust for any one local branch thereof does not exceed at any one time \$25,000, and the same or any part thereof to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require; and shall also have power to acquire any other real estate or interest therein whether for itself or in trust as aforesaid (so long as the annual value of the same so acquired for itself or in trust for any one local Association shall not at any time exceed \$10,000), by gift, devise or bequest if made at least six months before the death of the party making the same, and may hold such estate or interest therein for a period of not more than seven years, and may within that period alienate or dispose of the same, and the proceeds of such estate or interest therein as shall have been so alienated or disposed of shall be invested in public securities, county or municipal debentures, or other approved securities for the use of the said Corporation or in trust as aforesaid; and such estate or interest therein as may not within the said period be alienated or disposed of may be forfeited to the Crown.

Not to
trade in
real estate

2. Nothing herein contained shall authorize the said Corporation to engage in the business of trading in real estate.

Constitu-
tion and
By-laws.

3. The constitution and by-laws of the said Association or Order, prior to its incorporation and under which the said Association or Order has been conducted, are and shall continue to be the constitution and by-laws of the said Association or Order, but they or any of them may be added to or repealed and others substituted therefor.

Directors.

4. The Corporation may by by-law provide for the number of directors and as to their qualification, mode of election and the time for which they shall hold office, and may by by-law from time to time increase or decrease such number.

Officers.

5. The officers of the said Association or Order at the time of the passing of this Act shall be the officers of the said Corporation, and shall retain their respective offices until others shall be elected in their place.

Convey-
ance of
property.

6. The Association or Order of the King's Daughters and Sons shall as soon as may be after the passing of this Act, convey to the said Corporation the real estate and personal property occupied and used by the said Corporation.

Objects
of incor-
poration.

7. The objects of the said Corporation shall be: (a) The care and maintenance of its membership or any other person in need in Hospitals, Homes, Asylums, and Sanitariums. (b) The furnishing of rest and lunch rooms at actual cost

for

for business girls. (c) The equipping of homes for the aged and destitute poor. (d) The employment of nurses and deaconesses for visiting and nursing the sick and destitute poor. (e) The spiritual, mental, social, and physical improvement of men and women and boys and girls by the maintenance and support of meetings, lectures, reading rooms, libraries, gymnasiums, educational classes, Bible study classes, and such other means as may from time to time be determined upon.

8. The said Corporation shall have power to establish a ^{Technical education.} system of technical education, including such branches of science and development of such of the industrial arts, as the Board of Directors of the said Corporation may from time to time determine.

9.—(1) The buildings, lands, and equipment of the said Corporation, so long as and to the extent to which they are ^{Exemption from taxation.} occupied by and used for the purposes of the said Corporation, are declared to be exempted from taxation, except for local improvements and school purposes, and except as provided by subsection (2).

(2) Any portion of the buildings and lands of the Association used for commercial purposes, including dormitories, bedrooms or lunch-rooms when so used, shall be subject to assessment and taxation for Municipal and School purposes as though this Act had not been passed.

10.—(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn or accepted, and every promissory note and cheque made or drawn on behalf of the said Corporation by the President, vice-President, Financial Secretary, and Treasurer of the Corporation, or any two of them, in general accordance with their powers as such under the by-laws of the Corporation, shall be binding upon the Corporation (but promissory notes or cheques payable to the order of the Corporation may be endorsed by either of these officers), and in no case shall it be necessary to have the seal of the Corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque, or to prove that the same was made, drawn, accepted, or endorsed, as the case may be, in pursuance of any special by-law or special vote or order, nor shall the party so acting within his authority as agent, officer, or servant of the Corporation be thereby subjected individually to any liability whatsoever in respect thereof. ^{Contracts, negotiable instruments, etc.}

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

Personal estate to be held as though not directed to be laid out in purchase of land.

11. Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of the Corporation shall, except as hereinafter provided, be as valid and as capable of being held to or for the benefit of the Corporation as a bequest of personal estate would be by a will containing no direction to lay it out in the purchase of land.

Judge of High Court may sanction retention or acquisition of land.

12. The High Court, or a Judge thereof sitting in Chambers, if satisfied that land devised by will to or for the benefit of the Corporation, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the Corporation and not as an investment, may by order sanction the retention or acquisition, as the case may be, of such land.

CHAPTER 148.

An Act to Amend the Acts Relating to the
Protestant Orphans' Home, Toronto.*Assented to 24th March, 1911.*

WHEREAS the Protestant Orphans' Home, Toronto, Preamble.
formerly "The Orphans' Home and Female Aid
Society, Toronto" (the name having been changed by Order-
in-Council), have by their petition prayed for amendments
to the Acts passed in the 14th and 15th and 36th years of
the reign of Her late Majesty Queen Victoria, and Chaptered
34 and 151 respectively; and it is deemed expedient to grant
the prayer of the said petition;

Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Section 1 of the Act passed in the 14th and 14-15 V., c.
15th years of the reign of Queen Victoria, chaptered 34, is 34, s. 1, and
amended by striking out the words "one thousand pounds 36 V., c. 151.
currency" in the 34th line, and substituting therefor the s. 1.
words "twenty-five thousand dollars." amended.

(2) Section 1 of the Act passed in the 36th year of the 36 V.,
reign of Queen Victoria, chaptered 151, is amended by strik- c. 151, s. 1,
ing out the words "five thousand dollars" in the 8th line and amended.
substituting therefor the words "twenty-five thousand dol-
lars" and by striking out the words "one thousand dollars"
in the 18th and 19th lines, and substituting therefor the
words "ten thousand dollars."

2. As to the lands held by the said corporation on Power to
the corner of Queen and Portland Streets in the City of sell certain
Toronto, and known and described as lot number Eleven on lands in
the south side of Queen Street, late Military Reserve, being Toronto.
Section C thereof, the said corporation may and within seven
years from the passing of this Act shall sell and absolutely
dispose of the said lands, and a conveyance under the Seal

of the said corporation shall vest a good title thereto in the purchaser or purchasers thereof, free from any claim or claims in favor of the Crown arising under the Acts hereby amended, or otherwise, howsoever. And in case the said lands on the corner of Queen and Portland Streets shall not be sold within the period herein limited, namely, the said period of seven years from the passing of this Act, then and in such case the same rights and liabilities shall exist in regard thereto as if this Act had not been passed.

Powers of
investment,
9 Edw. VII,
c. 59.

3. The corporation shall have all the rights and powers of investment conferred by Section 4 of *The Trustee Investment Act*, or any further powers of investment conferred from time to time on trustees, including investments in securities, which are a first charge on land, and such right and power of investment shall exist whether the moneys desired to be invested were acquired by the said corporation by purchase, gift, devise or bequest, or are the proceeds of the sale of lands and tenements, or of stocks, debentures, or other securities so acquired by the said corporation, or otherwise howsoever; and in case of a sale of any lands now acquired and held, or which from time to time may be acquired and held by the said corporation, the said corporation are hereby empowered to take back from the purchaser or purchasers thereof in respect of any purchase money not paid in cash, a mortgage or mortgages on the lands so sold, and to collect and receive the amount secured thereby.

CHAPTER 149.

An Act to incorporate the Roman Catholic
Archbishop of St. Boniface*Assented to 24th March, 1911.*

WHEREAS the Very Reverend Louis Philippe Adelaar Preamble.
Langevin, Roman Catholic Archbishop of the Arch-
diocese of St. Boniface, has by petition represented that
he was incorporated under the name of "La Corpora-
tion Archiepiscopale Catholique Romaine de St. Boni-
face," by an Act of the Legislative Council and Legis-
lative Assembly of the Province of Manitoba, being Chapter
37 of 34 Victoria, assented to on May 3rd, 1871, intituled
"An Act to incorporate the Roman Catholic Bishop
of St. Boniface," which Act was amended by Chapter 27 of
35 Victoria, intituled "An Act to amend an Act to incor-
porate the Roman Catholic Bishop of St. Boniface"; and
whereas the Archdiocese of St. Boniface comprises certain
portions of the territory included in and forming part of the
Province of Ontario, and the above named Corporation pos-
sesses certain personal and real Property in the said last
named Province and it is expedient that said Corporation
be incorporated in the Province of Ontario,

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The Very Reverend Louis Philippe Adelaar Langevin, The Arch-
bishop of St.
Boniface Roman Catholic Archbishop of St. Boniface and each of his
successors in the said Archdiocese in Communion with the incorporated
name of
corporation. Church of Rome, shall be, and is declared and
established a Corporate body, in fact and in name, under
the name "La Corporation Archiepiscopale Catholique
Romaine de St. Boniface," and under this name shall have
the right of succession in perpetuity, and shall have a Cor-
porate Seal, and may from time to time, by and with the ad-
vice of two members of his Clergy, modify, renew, or other-
wise change at pleasure such corporate seal, and may under
the name aforesaid, from time to time, and during all time,
have, hold, purchase or acquire by gift or purchase and pos-

sess and enjoy any lands, tenements or hereditaments, rents, annuities and all other property whatsoever moveable or immovable within that part of his Archdiocese situate in Ontario necessary for the ecclesiastical, charitable or educational purposes of such Archdiocese not exceeding an annual value of \$2,000, exclusive of buildings held and used for any of the above purposes.

Powers of
corporation.

2. The said Corporation under the name aforesaid is empowered by and with the advice hereinafter mentioned from time to time, to sell, exchange, alienate, mortgage, let, lease, or otherwise dispose of any part of any real estate that it does possess or may hereafter possess, or acquire for the religious or charitable purposes of the Church as aforesaid, and for such educational purposes, or for any of them, and under the name aforesaid, shall sue or be sued, assign or be assigned to, implead or be impleaded in all Courts of Law or Equity which now exist, or may hereafter exist in the Province of Ontario, in the same way and with the same rights and advantages as all other corporations, or persons whatever, may be empowered.

Deed of
corporation
registered.

3. All deeds or other conveyances or acts whatever conveying any landed property, executed by or in favor of the said corporation, which by any Registry Act or Land Titles Act now in force, or which may hereafter be in force in this Province, will require to be registered shall be duly registered according to such Registry Act or Land Titles Act and in compliance therewith, or not being so registered shall be on the same footing as other deeds, conveyances and acts of a similar nature, relating to any other Corporation, or persons whatever.

Trustees
may trans-
fer to
corporation.

4. It shall be lawful for every person within the said Archdiocese to whom, or in whose name, any lands, tenements, or hereditaments are now, or may hereafter devolve in trust, or otherwise, for the said Roman Catholic Church to cede, sell or transfer, from time to time, by deed under his signature or seal or by the ordinary form of law, all or any of the said lands or tenements to the Archbishop for the time being of the aforesaid Archdiocese and for the said Archbishop or his successors, to hold the said lands for the purposes set out in this Act.

Two mem-
bers of
clergy to
approve
of sale.

5. It shall not be lawful for the said Archbishop or his successors to pass or execute any deed of sale, lease or transfer of all, or any part of the lands, tenements, or hereditaments acquired or possessed by him or which may hereafter be

acquired

acquired or possessed by him or in virtue of *this* Act, without the consent and approbation of two members of his Clergy, who will be chosen or nominated by the said Archbishop; such choice or nomination and such consent appearing on the face of such acts, or other documents in writing which the parties purpose to execute, and being duly attested by the said Archbishop and the said two members of his Clergy, so chosen or nominated who shall become contracting parties, and shall sign all deeds, sales, leases, or other documents, as parties respectively consenting thereto, they shall become valid and operative and effectual for all purposes.

6. On the occurrence of any vacancy in the said Archbishopric, or in case of the absence of the said Archbishop, or absent. of any of his successors, or of his being incapacitated by sickness or any other cause, or unable to attend to his diocesan duties, then and in that case the member of the Clergy who shall have been officially selected and nominated for the due administration of diocesan affairs, or in case of such member of the Clergy not having been chosen, then such powers shall be vested in the oldest member of the said Clergy under the same conditions as are conferred upon the said Archbishop by this Act.

7. The provisions of this Act shall be subject to those of *The Mortmain and Charitable Uses Act* except that the period within which the land shall be sold shall be seven years instead of two years and that it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* held, used and occupied for ecclesiastical, charitable or educational purposes.

Application
of Mort-
main and
Charitable
Uses Act.
9 Edw. VII.
c. 53.

8. This Act shall operate retroactively.

CHAPTER 150.

An Act to Incorporate the Roman Catholic Parishes
and Missions of the Archdiocese of St.
Boniface in the Province of Ontario.

Assented to 24th March, 1911.

Preamble.

WHEREAS the Very Reverend Louis Philippe Adelard Langevin, Roman Catholic Archbishop of the Archdiocese of St. Boniface, has, by petition, represented that the different Parishes and Missions of the Roman Catholic Church in such Archdiocese are owners of property assigned to their foundation and for their support and that the said property of such Parishes and Missions has been under his management; and whereas such Archbishop, wishing to be assisted in the management of said property, has prayed for the incorporation of each of the said Catholic Parishes and Missions within that part of such Archdiocese situate in the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Body Politic
and Corpor-
ate repre-
sented by
the Arch-
bishop.

1. If any Parish or Mission of the Roman Catholic Church within that part of such Archdiocese situate in Ontario owns or wishes to acquire any land for the erection of a church, chapel, parsonage house, or for a cemetery or other worship purposes, such parish or mission, from the fact of its canonical erection, shall become a body politic and corporate, and shall be represented by His Grace the Archbishop of St. Boniface; and in case of death or of absence by the Administrator of the Archdiocese, by his Vicar General or the Dean of His Clergy and the Priest canonically appointed for the administration of such parish or mission, with power to associate with them, for any period of time, two other members or representatives of such corporation.

Name of
Corpora-
tions.

2. Each of such corporations shall be known under the name of "The Roman Catholic Parish of _____" (or "The Roman Catholic Mission of _____") according to the name given or which may be given to such parish or mission at the time of its regular establishment by the Archbishop or the Administrator of the Archdiocese.

Provided

Provided that in the case of properties to be acquired ^{Proviso.} for the use of the Greek Catholic Ruthenian Church in communion with Rome such properties shall be conveyed to Corporations which will be known under the name of "The Catholic Parish of _____ of the Greek Catholic Ruthenian Church in communion with Rome," according to the names which may be given to such Parishes at the time of their establishment by the Archbishop or Administrator of the Archdiocese, and such corporations and the officers thereof respectively shall have the same rights, privileges and powers, with reference to the properties in this proviso mentioned, as the other corporations constituted and authorized under the provisions of this Act and the similar officers thereof, have with reference to their properties.

3. Each of such parishes and missions under its name and ^{Parishes and missions may have a seal.} represented as above, shall have a perpetual succession and a seal, with power to change, alter or renew such seal at pleasure; and may under the same name, and at any time in the future, buy, acquire, hold, possess, enjoy, take and receive by virtue of any legal title whatever and without any further authorization any lands, tenements, hereditaments and immoveable property within that part of such Archdiocese situate in Ontario necessary for the ecclesiastical, charitable, or educational purposes of the corporation not exceeding an annual value of \$1,000 exclusive of buildings held and used for any of the above purposes; and each of such Corporations shall also have power to sell, mortgage, or dispose of any of such lands, tenements, hereditaments or immoveable property for the same purposes and under the same name; and in like manner and in the same name each of such Corporations shall be able to and may prosecute and ^{May prosecute and be prosecuted.} be prosecuted, assign or be assigned to, appear before any Court of law in any place whatever, and in as ample and advantageous a manner as any other body politic and corporate, or as any person legally entitled to prosecute or be prosecuted, assign or be assigned to; and each of such Corporations shall have power and authority to draft and enact such regulations and orders not contrary to the laws in force in Ontario, and to the laws of the Roman Catholic Church, which shall be deemed necessary to the welfare of such Corporation for its management and that of its business and property; and from time to time may amend, alter or annul such regulations and orders, or any of them in such manner as such Corporation shall deem fit and proper.

4. All property already assigned for the maintenance and support of the Roman Catholic parishes or missions ^{Property to become vested in missions.} may be transferred to any of the parishes or missions incorporated under this Act. The patents applied for in the

name

name of the Roman Catholic missions shall become the property of the said parishes and missions to which such land has been donated or granted.

Right to
appoint
attorney.

5. Each of such corporations shall have the right to appoint one or more attorneys to manage the affairs of the corporation.

When re-
quired
written
statement
to be given
to Lieuten-
ant Gov-
ernor.

6. Such corporations shall give a written statement of their property when required so to do by the Lieutenant-Governor in Council.

No indi-
vidual mem-
ber respon-
sible for
debts.

7. No member of any such corporation shall become individually responsible for any of the debts, contracts or liabilities of the corporation.

Applica-
tion of
9 Edw. VII.
c. 58.

8. The provisions of this Act shall be subject to those of *The Mortmain and Charitable Uses Act* except that the period within which the land shall be sold shall be seven years instead of two years and that it shall not be necessary to sell any land, now or hereafter acquired which is actually and *bona fide* held, used and occupied for ecclesiastical, charitable or educational purposes.

CHAPTER 151.

An Act respecting the Hospital for Sick Children.

Assented to 24th March, 1911.

WHEREAS the Hospital for Sick Children has by petition represented that it was incorporated by an Act passed in the 55th year of Her late Majesty's reign, Chaptered 105, and that by section 6 of that Act its power to hold lands acquired by gift, devise or bequest, other than those necessary for its actual use, is limited to an annual value of \$15,000; and that all such lands so acquired shall be disposed of within a period of seven years from the acquisition thereof, otherwise they shall revert to the person from whom they were acquired, his heirs, executors, administrators and assigns; and whereas it is desirable that the power of the said Hospital to acquire and hold lands should be widened to provide more ample means for its support and maintenance, and that lands owned and used by it for the purposes of the Hospital should not be subject to expropriation, so that a permanent site may be ensured for the said Hospital; and whereas the said Hospital has by its petition prayed that an Act be passed for the above purpose; and whereas it is expedient to grant the prayer of the said petition, Preamble

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *An Act to incorporate the Hospital for Sick Children* passed in the 55th year of Her late Majesty's reign, chaptered 105, is repealed, and the following section substituted therefor: 55 V. c. 105
s. 6 amended

2 The Corporation hereby constituted is authorized and empowered to take all gifts, legacies and bequests of money or other personalty, and to acquire, hold and possess by gift, devise, bequest, purchase or otherwise, lands, tenements or hereditaments and interests therein, for the use, support or purpose of the Corporation, and to hold and take all lands for the purpose of the Corporation, without license Power to hold real and personal property.

of mortmain; and no part of the block of land lying south of the southerly limit of College street and bounded on the West by Elizabeth street, on the East by Laplane avenue, and on the South by Hayter street, which is now or may hereafter be vested in the Corporation, and used for the purpose of the Corporation, shall be liable to expropriation by any municipality, corporation or person, for any purpose whatsoever, without the consent of the said Corporation.

Corporation
not to trade
in real
estate

3. Nothing herein contained shall authorize the Corporation to engage in the business of trading in real estate.

CHAPTER 152.

An Act to Incorporate a Board of Trustees for the Windsor Grove Cemetery.

Assented to 24th March, 1911.

W HEREAS Noble Alexander Bartlet and Alexander Preamble. Robert Bartlet, both of the City of Windsor, in the County of Essex, Barristers-at-Law, the executors of the last will of Alexander Bartlet, late of the said City of Windsor, Esquire, deceased; John Alderman Hyde Campbell, Gentleman; Richard Carney, Physician; George Cheyne, Collector of Taxes; William Angus Ferriss, Farmer; James Jackson, Sergeant of Police; and John Henry Rodd, Barrister-at-Law, all of the said City of Windsor, have by their petition represented that the Windsor Improvement Company, a body corporate and politic by virtue of an Act of the Parliament of the former Province of Canada, Chapter 131, 1860, amended by a further Act of the same Parliament, Chapter 104, 1861, by indenture bearing date the 15th day of May, 1866, and registered in the registry office for the County of Essex, granted and conveyed to Gilbert McMicken, Samuel Smith Macdonell and Henry Kennedy, all of the Town (now City) of Windsor, Esquires, all that certain parcel of land and premises situate, lying and being in the Town of Windsor and described as follows: Commencing on the westerly side of Howard Avenue at the distance of six chains and twenty-three links from the centre of the Grand Coule on a course south twenty-eight degrees east, thence south twenty-eight degrees east, along the west side of Howard Avenue sixteen chains, sixty-seven links to a stone monument; thence westerly at right angles to Howard Avenue five chains twenty-four links to the limit between lots numbered eighty-six and eighty-seven, thence northerly along the said limit fifteen chains seventy-nine links to a monument placed at a distance of six chains twenty-three links from the centre of the Grand Coule; thence on a course north fifty-two degrees, thirty minutes east five chains forty-two links more or less to the place of beginning, in trust for the purposes set out in a declaration of trust executed by the said Gilbert McMicken, Samuel Smith Macdonell and Henry Kennedy,

also

also bearing date the 15th day of May, 1866; that The Trust and Loan Company of Upper Canada, mortgagees of the said lands by Deed of Release, also bearing date the 15th day of May, 1866, conveyed to the said Gilbert McMicken, Samuel Smith Macdonell and Henry Kennedy the interest of the said Loan Company in the said lands for the purposes set forth in the said declaration of trust; that the following are the trusts set forth in the said Declaration of Trust: 1. Upon trust for the establishment of a cemetery or burying ground not exclusively for the use of any particular denomination of Christians. 2. Upon trust that they the said Trustees shall lay out and subdivide the said land into lots. 3. Upon trust to sell the lots into which the said parcel of land may be subdivided or portions thereof for the purposes of interment in family vaults or otherwise and for declaring in the conveyance the terms on which such lots or portions shall be held. 4. Upon trust to pay over to the said The Trust and Loan Company of Upper Canada one-half of the proceeds or purchase money received from the sale of the said lots or portions of land until the sums so paid over to the said The Trust and Loan Company shall amount to one thousand two hundred dollars, with interest thereon at the rate of eight per cent. per annum, payable on the first day of April and the first day of October in each year until the said sum of one thousand two hundred dollars be paid and satisfied—save that at first the whole proceeds received from sales to the extent of five hundred dollars be appropriated for surveys and plans for fencing and for making streets and pathways in the said cemetery. 5. Upon trust to appropriate, lay out, and expend in necessary surveys, plans and fencing and the formation of streets and paths through the said cemetery and the general management of the said property, the ornamentation and improvement of the same, one-half of the proceeds received from sales of the said lots and portions until the sums received and expended amount to one thousand two hundred dollars. 6. And upon the further trust that after payment to the said The Trust and Loan Company of Upper Canada of one thousand two hundred dollars derived from sales of lots as aforesaid, that they the said Gilbert McMicken, Samuel Smith Macdonell and Henry Kennedy or the survivors or survivor of them shall convey the residue or remaining lots or portions of the said land remaining unsold to the said the Windsor Improvement Company for cemetery purposes; that by an Indenture bearing date the 7th day of March, 1872, the said trustees, Gilbert McMicken, Samuel Smith Macdonell and Henry Kennedy, with the consent and approval of the said The Windsor Improvement Company therein expressed granted the said lands (saving and excepting thereout blocks, lots and portions of lots theretofore conveyed by the said trustees)

to Frederick Lucas Foster of the said Town of Windsor, Provincial land surveyor, upon the trusts and for the purposes set forth in the said declaration of trust; that by a judgment of the High Court of Justice, Chancery Division, bearing date the 8th day of November, 1882, in an action between the Trust and Loan Company of Canada, plaintiff, and Frederick Lucas Foster and The Windsor Improvement Company, defendants, it was ordered and adjudged that the said Frederick Lucas Foster be and he was thereby removed from his position as trustee under the said Indenture of the 7th of March, 1872, and by the said judgment it was further ordered and adjudged that the Master of the Supreme Court of Judicature should appoint a proper person as trustee to carry out the trusts of the said Indenture of the 15th of May, 1866, and that the said Frederick Lucas Foster should thereupon convey, assign and transfer all the trust estate funds, properties and securities vested in him as such trustee as aforesaid, so as to vest the same in such trustee so to be appointed by the said Master as aforesaid upon the trusts mentioned in the said Indenture of the 15th of May, 1866, or such of them as at the time of the said judgment were then subsisting and capable of taking effect and liberty was reserved to the plaintiffs to apply in chambers for a vesting order vesting the trust estate funds, property and securities as aforesaid without first tendering a conveyance for execution; that the said Master, pursuant to the said judgment, appointed Alexander Bartlet of the said Town of Windsor, Police Magistrate, trustee of the said lands under the trusts of the said Indenture of the 15th of May, 1866; that by a vesting order made in the said action by John Winchester, Esquire, Registrar of the Queen's Bench Division, sitting for the Master in Chambers on the 19th day of March, 1883, it was ordered that the said land described in the said Declaration of Trust of the 15th of May, 1866, save and except so much thereof as had theretofore been sold and conveyed by the said Gilbert McMicken, Samuel Smith Macdonell and Henry Kennedy as trustees thereof as aforesaid under the said Declaration of Trust and by the said Frederick Lucas Foster as trustee thereof under the said Indenture of the 7th of March, 1872, should be and the same was thereby vested in the said Alexander Bartlet, his heirs and assigns forever for all the right, title and interest of the plaintiffs and defendants in the said action therein and thereto to have and to hold the same upon the trusts set forth in the said Declaration of Trust of the 15th of May, 1866, or such of the said trusts as at the date of the said vesting order were subsisting and capable of taking effect; that the said Alexander Bartlet has out of the proceeds of sales of burial lots paid off the amount with interest payable to The Trust and Loan Company of Upper

Canada under the terms of the said Declaration of Trust, and he continued thereafter and up to the time of his death to act as trustee and to sell and dispose of lots for burial purposes and collect the purchase price thereof; that the Windsor Improvement Company has long since disposed of the lands held by it and has had no organization for many years; that the Windsor Improvement Company by Indenture bearing date the 24th day of May, 1887, conveyed to Isaac B. Cornwall of the said Town of Windsor, Esquire, for cemetery purposes upon the trusts set forth in a Declaration of Trust referred to in the said Indenture a parcel of land immediately north of the parcel hereinbefore described and connected therewith, the two parcels forming what is known as "The Windsor Grove Cemetery"; that by Indenture bearing date the 9th day of August, 1898, and registered in the Registry Office for the County of Essex, the said Isaac B. Cornwall appointed the said Alexander Bartlet trustee in his place and conveyed to him for cemetery purposes the said lands conveyed to the former for cemetery purposes as aforesaid; no other persons other than lot holders therein have any claim to or interest in the said cemetery; that both parts of the cemetery have been largely used for burial purposes; that the said Alexander Bartlet departed this life on the 22nd day of December, 1910; there remained in the hands of the said Alexander Bartlet at the time of his death the sum of \$3,718 or thereabouts, derived from the proceeds of sales of lots in the said cemetery; no compensation has yet been paid to the said Alexander Bartlet for his services in connection with the cemetery; at a public meeting of lot holders in the said cemetery, held at the City Hall, Windsor, on the 20th of December, 1910, pursuant to a notice published by the said Alexander Bartlet, the said petitioners other than Noble Alexander Bartlet and Alexander Robert Bartlet were chosen trustees in whom, and their successors, it was desired the cemetery should be vested by Act of Parliament; that in the opinion of the said petitioners it is in the public interest that the said petitioners other than Noble Alexander Bartlet and Alexander Robert Bartlet should be incorporated under the name of the Trustees of Windsor Grove Cemetery, in whom and their successors shall be vested for burial purposes the said cemetery, and all moneys derived therefrom in the hands of the said Alexander Bartlet at his death and all claims in respect of unpaid purchase money and otherwise in respect of the cemetery, free from all claims of the Windsor Improvement Company and any other person or persons whomsoever, but subject to whatever rights have been acquired for burial purposes from the different trustees during their respective tenures of office; that all sales or other disposal of lots by the said Alexander Bartlet up to his death be validated; that the sum of \$1,000

be paid to the estate of the said Alexander Bartlet in full settlement for his compensation as trustee and that the Board of Trustees have authority to acquire further land for cemetery purposes in the City of Windsor, with the approval of the City Council expressed by by-law; and whereas the said petitioners have prayed that an Act may be passed for the purposes above mentioned; and whereas it is expedient to grant the prayer of the said petition,

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following John Alderman, Hyde Campbell, Gentle-
men; Richard Carney, Physician; George Cheyne, Col-
lector of Taxes; William Angus Ferris, Farmer; James Jack-
son, Sergeant of Police; and John Henry Rodd, Barrister-at-
Law, all of the City of Windsor, and their successors in
office to be selected as hereinafter provided are hereby con-
stituted a body corporate and politic under the name of
"The Trustees of the Windsor Grove Cemetery."

Windsor
Grove
Cemetery
and assets
of, vested
in incorpor-
ated board
of trustees.

2. On the second Monday in January in each year a meet-
ing of the lot holders in the said cemetery and their repre-
sentatives shall be held at the City Hall in the City of
Windsor, or at such other place as the trustees shall by public
notice appoint, commencing at the hour of 2 o'clock in the
afternoon, for the purpose of electing trustees, hearing a
report from the trustees, appointing an auditor or auditors
if deemed advisable, and the discussion of matters affecting
the cemetery. Every lot holder, and in the event of his death
his personal representative or nearest relative present, shall
be entitled to vote.

Annual
meeting of
lot holders.

3. The six trustees herein named shall retire in rotation
in the order in which their names appear, namely, the first
two named at the next annual meeting, the next two in one
year thereafter and the remaining two in two years there-
after, and subject thereto the trustees shall hold office for
three years, two retiring in rotation each year, but all retir-
ing trustees shall be eligible for re-election, and in case of
no election the former trustees shall continue in office until
new trustees are elected.

Term of
office of
trustees.

4. Any vacancy caused by death or resignation between
the annual meetings may be filled by the remaining trustees.

Vacancies.

5. The said trustees shall from time to time select a chair-
man from their number and such other officers as they deem
necessary, and shall determine the form of the Corpor-
ate Seal and by what officers conveyances and other
documents shall be executed on their behalf.

Chairman
and officers.

Windsor
Grove
Cemetery
and assets
of, vested in
trustees.

6. The Windsor Grove Cemetery comprising all and singular those certain parcels or tracts of land and premises situate, lying and being on the westerly side of Howard Avenue in the City of Windsor in the County of Essex, more fully described in an Indenture bearing date the 15th day of May, 1866, and registered in the Registry Office for the County of Essex from the Windsor Improvement Company to Gilbert McMicken, Samuel Smith McDonnell and Henry Kennedy, and in a further Indenture bearing date the 9th day of August, 1898, and registered in the same Registry Office from Isaac B. Cornwall to Alexander Bartlet, and all moneys derived therefrom in the hands of the trustee Alexander Bartlet at his death, and all claims in respect of unpaid purchase money and otherwise in respect of the said Cemetery are hereby vested in the said trustees and their successors in office free from all claims of the Windsor Improvement Company, The Trust and Loan Company of Upper Canada, and any other person or persons whomsoever, but subject to whatever rights have been acquired for burial purposes from the different trustees of the said Cemetery upon trust to devote the said Cemetery to the purposes of a general burying ground.

Power
to lay out
and sell lots
for burial
purposes.

7. The said trustees as such corporation as aforesaid shall have power to lay out and subdivide into lots the land not already subdivided and, subject to rights previously granted to alter subdivisions already made, to sell the lots into which the said land may be subdivided or portions thereof for the purposes of interment in family vaults or otherwise and to declare in the conveyance the terms on which such lots or portions shall be held, to appoint such officials and employees as may be necessary and to pay for their services out of moneys coming into the hands of the said trustees, to pay to the estate of the late trustee, Alexander Bartlet, a sum hereby fixed at \$1,000 for his compensation as such trustee, also to pay the costs and expenses connected with the obtaining of this Act, and any unpaid wages or debts properly incurred for the purposes of the cemetery by the said Alexander Bartlet, to pay the purchase money for such further land as may hereafter be acquired under the terms of this Act, and after making the said payments the balance of money on hand and the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the cemetery and to the incidental expenses of the said trustees as such corporation and to no other purpose whatever.

Payment to
estate of
Alexander
Bartlett of
\$1,000.

Registration
of convey-
ances of
lots not
required.

8. No conveyance of a lot for a burial site heretofore given or which shall hereafter be given shall require to be registered for any purpose whatever, and such lot shall not be affected by any Registry Act, nor shall any judgment, mortgage or incumbrance subsist on any lot so conveyed.

9. The trustees may out of any moneys received by virtue of this Act re-purchase any lot or lots previously sold or conveyed by the Company, and take conveyances of the same from the owners thereof, and may also from time to time resell the same in the manner and form provided respecting other lands in the cemetery.

Power to
re-purchase
lots.

10. The said trustees as such corporation as aforesaid shall have power to maintain and defend all suits, actions and proceedings at law for the protection of the property in them vested and their interest therein.

Power to
maintain
and defend
suits.

11. The said trustees as such corporation as aforesaid are hereby empowered to sue for and recover all sums or balances owing for purchase money by purchasers from any of the former trustees, and shall have all such rights and remedies in respect thereof as such former trustees would have if still in office.

Action for
unpaid pur-
chase
money.

12. All sales or other dispositions of lots made by the retiring trustee, Alexander Bartlet, up to the time of his death are hereby declared to be valid and binding notwithstanding that such sales or other dispositions may have been made subsequent to the satisfaction of the claim of The Trust and Loan Company of Upper Canada.

Sales by
Alexander
Bartlet
confirmed.

13. The said trustees as such corporation as aforesaid are hereby empowered when deemed necessary to acquire additional land for the enlargement of the said cemetery, subject however to the approval of the Municipal Council of the Corporation of the City of Windsor expressed by by-law.

Power to
acquire
additional
land for
cemetery
purposes.

14. The provisions of *The Act respecting Cemetery Companies*, Chapter 213 of the Revised Statutes of Ontario, 1897, and amending Acts so far as the same are applicable shall apply to the said cemetery and the trustees thereof.

Application
of Rev. Stat.
c. 213.

CHAPTER 153.

An Act to confer certain powers on the Trustees of
the Estate of the late William Walter Brown.*Assented to 24th March, 1911.*

Preamble.

WHEREAS William Godbee Brown and Clifton Ashton Douglas, trustees of the estate of William Walter Brown, late of the City of Ottawa, in the County of Carleton, Gentleman, deceased, have by their petition represented that on the 3rd day of July, 1900, the said William Walter Brown made and published his last will and testament, wherein he appointed one Rebecca Brown and the said William Godbee Brown to be his executrix and executor and trustees of and under his last will and testament, that on or about the 24th day of February, 1901, the said William Walter Brown departed this life without having altered or revoked his said will, and that on the 29th day of March, 1901, probate of the said will was duly granted by the Surrogate Court of the County of Carleton to the said Rebecca Brown and the said William Godbee Brown; and whereas in and by the said will the said William Walter Brown, after making certain pecuniary bequests, did devise and bequeath all the rest and residue of his estate of every nature and kind wheresoever situate unto his said executrix, executor and trustees and the survivor upon the trusts and for the purposes therein particularly set out; and whereas by indenture dated the 31st day of August, 1904, and made in pursuance of *The Trustee Act* and *The Act respecting Short Forms of Conveyances* between the said Rebecca Brown, party thereto of the first part, the said William Godbee Brown, party thereto of the second part, and the said Clifton Ashton Douglas, party thereto of the third part, they, the said Rebecca Brown and the said William Godbee Brown, did appoint the said Clifton Ashton Douglas to be a trustee under the said will in the place of the said Rebecca Brown, to act jointly with the said William Godbee Brown as such trustee, and the said Rebecca Brown did thereby grant and assign unto the said Clifton Ashton Douglas, his heirs and assigns, all the trust property, real and personal, of the said estate so as to vest the same in the said Clifton Ashton Douglas

jointly

jointly with the said William Godbee Brown as such trustees; and whereas the said trust property includes among other property all and singular those certain parcels or tracts of land and premises situate, lying and being in the said City of Ottawa, in the County of Carleton and Province of Ontario, being composed of (1) That portion or part of Lot letter "D" in Concession letter "C" fronting on the River Rideau, in the Township of Nepean, in the County of Carleton (now within the limits of the City of Ottawa aforesaid), described as follows, that is to say: Commencing on the south side of the original allowance for road between Lots C and D in Concession C aforesaid (now called Laurier Avenue) at a point where it is intersected by the west side of the street laid out in continuation of O'Connor Street, and known as Tylee or O'Connor Street; thence in a westerly direction along the south side of the said allowance for road between Lots C and D aforesaid, two chains; thence in a southerly direction and on a course parallel with the said street in continuation of O'Connor Street, known as Tylee or O'Connor Street, ninety-six and one-half links, more or less, to the established boundary between the ordnance lands and the By Estate; thence along the said last mentioned boundary in an easterly direction two hundred and six links, more or less, to the west side of the said street so laid out in continuation of O'Connor Street and known as Tylee or O'Connor Street; thence in a northerly direction along the west side of the street so laid out in continuation of O'Connor Street aforesaid one hundred and forty-four links, more or less, to the place of beginning, containing by admeasurement thirty-eight and one-half perches, more or less; (2) Broken Lot Number One on the west side of Tylee or O'Connor Street, in the said City of Ottawa, as shown and laid down on the plan prepared by Messrs. Thistle & Baldwin, P.L.S., bearing date the 14th of August, 1867; save and except that part of the said Lot Number One heretofore sold by the said William Walter Brown to one William F. King, as particularly described in the deed thereof dated the third day of March, 1884, and registered as No. 22013; and (3) Lot Number Forty on the north side of Gloucester Street, in the said City of Ottawa, as shown on the said plan prepared by the said Messrs. Thistle & Baldwin; save and except that part thereof heretofore conveyed by the said William Walter Brown to one Henry F. McCarthy, by deed bearing date the 14th of April, 1885, and registered as No. 23558, and except also that part of the said Lot Number Forty reserved in the conveyance from Messrs. Tylee & Moberly to the said William Walter Brown of the said Lot Number Forty, bearing date the fifth of July, 1873; subject, however, to any rights of way which may have been heretofore granted by the said William Walter Brown over the said Lots Numbers

One and Forty; and whereas parts of the said lands hereinbefore particularly described were built upon many years ago, and the buildings thereon are in a dilapidated condition and other parts of the said lands are vacant, and it would be beneficial to the estate to improve or to rebuild the existing buildings, and to erect new buildings upon the vacant lands from which increased revenue could be derived, and the trustees and the other persons beneficially interested have no money for the purpose of so improving, rebuilding or erecting buildings; and whereas the said trustees and all the other persons beneficially interested in the said estate desire that the trustees should be given power to borrow money for such purposes upon mortgage of the said lands and premises; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lands declared vested in William Godbee Brown and Clifton Ashton Douglas.
Power to borrow \$15,000 by way of mortgage.

1. The said lands devised by the said will are declared to be vested in the said William Godbee Brown and the said Clifton Ashton Douglas and their successors in office, in fee simple, upon the trusts in the said will set out.

2. The said William Godbee Brown and the said Clifton Ashton Douglas, the trustees above named, or such other person or persons as may for the time being be trustee or trustees of the said estate, shall subject to the provisions of section 5 of this Act have power to borrow money to the extent of \$15,000 upon the credit of the said estate, and for the purpose of securing the payment of the same with interest to grant and mortgage in fee simple the lands hereinbefore particularly described, or any part thereof, at such rate of interest and upon such terms as to the said trustees may seem best.

Power to borrow from time to time.

3. Such power of borrowing and mortgaging shall not be construed as being exhausted by any exercise of such power, but the said power may be exercised from time to time upon any money so borrowed being paid off in whole or in part; so that, however, at no time shall there be an outstanding indebtedness of the estate for money so borrowed upon mortgage of the said lands to an extent greater than \$15,000.

Application of money borrowed.

4. The money to be borrowed as aforesaid shall be used for the purposes of improving or rebuilding existing buildings or erecting new buildings upon the said lands or for one or all of such purposes.

5. The power to borrow under the terms of this Act shall be subject to the order of a Judge of the High Court of Justice made on application to him from time to time after notice to such persons, if any, as a Judge shall direct, and such order shall contain such terms and conditions as to the amount to be authorized, the terms of such borrowing, the application of the money so borrowed, the lands to be mortgaged, and also such other terms and conditions as to him may seem proper.

Power to
borrow
subject to
order of
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1 George V., 1911.

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